# VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

# REPORT

OF THE

## COMMITTEE ON EDUCATION AND LABOR

PURSUANT TO

S. Res. 266 (74th Congress)

A RESOLUTION TO INVESTIGATE VIOLATIONS OF THE RIGHT OF FREE SPEECH AND ASSEMBLY AND INTERFERENCE WITH THE RIGHT OF LABOR TO ORGANIZE AND BAR-GAIN COLLECTIVELY



#### STRIKEBREAKING SERVICES

JANUARY 26 (legislative day, JANUARY 17), 1939.—Ordered to be printed

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### VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

JANUARY 26 (calendar day, JANUARY 17), 1939.—Ordered to be printed.

Mr. La Follette, from the Committee on Education and Labor, submitted the following

## REPORT

#### ON STRIKEBREAKING SERVICES

[Pursuant to S. Res. 266, 74th Cong.]

#### Introduction

The committee's first efforts in the field of investigation assigned to it by Senate Resolution 266 (74th Cong., 2d sess.) were concerned with the services rendered to employers by the so-called detective agencies. One of the principal detective-agency functions was found to be the performance of industrial espionage. Report No. 46, part 3, made by this committee on December 22, 1937, embodies the committee's findings on espionage performed by detective agencies for industrial employers. It points out that the practice of using labor spies constitutes, in most cases, undue interference with the right of labor to organize and bargain collectively. Recent developments in the field of espionage will be discussed in a report shortly to be issued. In examining the detective agencies for evidence of industrial espionage, the committee discovered other services offered to employers in connection with their labor relations. These services included the furnishing in time of strike of specialized personnel versed in industrial warfare. In some agencies examined, the strike services preponderated, while in others they were only an auxiliary to the service of industrial espionage. Wherever industrial espionage and strike services were offered by detective agencies they were found to be closely related in purpose, function, and personnel.

Shifting from the detective agencies to the study of employers' associations, the committee found, in several cases, that the same espionage and strike services were provided by such associations for their members. The employers' associations which provided

<sup>1</sup> For the text of this resolution and other resolutions pertaining thereto, see appendix E, pp. 201-202.

industrial espionage or strike services were found to maintain a policy actively hostile to the principles of self-organization among employees and collective bargaining. The functional aspects of the espionage service furnished by employers' associations have been treated in part in report No. 46, part 3, of this committee, dealing with industrial espionage, and will be further analyzed in this committee's forth-coming report on employers' associations.

Upon examination, the strike services offered by employers' associations to their members were found to be identical in function and

technique with those rendered by the detective agencies.

It will be the purpose of this report to consider the strike services rendered by detective agencies and employers' associations. Analysis of these strike services reveals an occupational class engaged in strike work, members of which sometimes offer their services directly to the

employer or set out to recruit their fellows for strike jobs.

The strike services which the committee has examined fall into three categories. The first is the provision of so-called strikebreakers, who are commonly understood to be persons who temporarily replace striking workers. In some industries such temporary replacements have been, in the past, competent and skilled workmen. In most cases, however, strikebreakers are not qualified employees. The agencies engaged in the business of providing such replacements have even advertised that their function was simply to provide industrial shock troops with which to break strikes and cause strikers to return to work.

The second category of strike services is the provision of guards or watchmen. The ostensible purpose of utilizing such guards, who are generally armed, is the protection of the strikebreakers, the loyal workers, or the plant property. Guards provided by the agencies must be distinguished from regular plant police and the local police force of the community. Usually they are strangers to the controversy and the locality in which they serve. In many cases these guards have been deputized as local police officers. An analysis of the commercial strike services reveals that men who offer themselves as guards in strikes form a more or less distinct occupational group, and can be designated as "strikeguards."

The history of industrial disputes in this country indicates that the almost inevitable effect of employing outsiders of either of these classes, in an industrial dispute, is to produce resentment, bitterness, violence, and bloodshed. Nor is this surprising. The purpose for which such persons are offered by those who make a business of selling their services and the objective for which they are hired is to weaken or destroy the organizations which workmen have built up for their

own protection.

The third category of strike services is the furnishing of persons to mingle with striking employees, or townspeople, disguised as strikers, strike sympathizers, or salesmen, as the case may be. In the trade these persons are designated as "strike missionaries" or "street operators." Unlike the strikebreaker or the strikeguard, the connection between the "missionary" and the employer is always concealed. While the "missionary's" ostensible function is to act as a word-of-mouth propagandist against the strike, he is often found in the ranks of the strikers, urging or committing acts of violence.

At the outset it may appear difficult to understand how these three strike services, so diverse in function, can be offered by the same agency. If things were what they seem in the field of industrial warfare, the function of the strikebreaker would be to work efficiently and to operate the plant; the function of the strikeguard would be to exercise a restricted degree of police power with the authority and moderation required in tense strike situations; while the function of the word-of-mouth propagandist would be to present the employer's As they exist, however, these three types of strike side of the strike. personnel have one purpose: to break strikes. Like industrial espionage, these strike services are weapons for the employer in his battle against the recognition of organizations of his employees. Thus, united in purpose, these services can be most profitably organized and offered by agencies or associations specializing in the practices of antiunionism.

These services have a long history in American industry. committee's investigation of a few prominent exponents of the strikebreaking business covers the period from January 1, 1933 to the date of hearing, which varies for each agency examined, running roughly from September 1936 to April 1938. Thus, the period covered by the committee's investigation coincided with the era during which the principles of the self-organization of employees and collective bargaining have been a part of Federal law affecting concerns engaged in interstate commerce; first, through the National Industrial Recovery Act, and then through the National Labor Relations Act. What the committee found in the field of strikebreaking was not so much new devices created for the purpose of meeting the wave in organization which followed Section 7 (a) of the N. I. R. A. and the National Labor Relations Act, but old devices long recognized as useful and efficacious in the employers' struggle against unions. In order to understand the committee's work in this field, therefore, it is necessary to consider the origin and history of these strike services. The committee's record reveals, for example, instances of open warfare between armed guards and strikers in 1936 no different in purpose and effect To understand the full from the famous Homestead incident of 1892. scope of these commercialized strike services and their significance in American industrial history the committee's investigation and findings must be viewed against the background of investigations and findings of numerous Federal and State bodies since 1880.

#### CHAPTER I. STRIKE SERVICES PRIOR TO 1933

#### SECTION 1. INVESTIGATIONS REVEALING THE USE OF STRIKE SERVICES

Evidence of the use of strikebreakers and strikeguards is found in the records of almost every State or Federal investigation of a major industrial dispute. Congress investigated industrial relations as early as 1882, when the Senate Committee on Education and Labor was authorized "to take into consideration the subject of the relation between labor and capital." Thereafter it became common congressional practice to authorize investigations, either by standing committees or special or select committees, into major industrial disputes. In addition to congressional inquiries, the President appointed commissions of inquiry on his own motion. The Bureau of Labor, which was later to become the Department of Labor, made a practice of investigating industrial disputes, embodying the findings of its investigations in reports to be submitted to Congress. The State departments of labor were beginning in the first decade of the twentieth century to make similar investigations of industrial disputes. In addition, State commissions, appointed by executive authority, were called into being from time to time to make findings upon important strikes. sources of this nature extending over a period of half a century, it is possible to reconstruct the earlier development and characteristics of the strikebreaking business. Such official sources do not include, of course, every instance of the practice; nor in many cases do they probe beneath the surface manifestations of the evil. They present, however, an authoritative picture of the role of the detective or strikebreaking agency in the major industrial disputes of the last half centurv.2

In 1892 both the House of Representatives and the Senate authorized an investigation of the use of imported armed guards by the Carnegie Steel Co. during the strike of the members of the Amalgamated Association of Iron, Steel and Tin Workers at its plants in Homestead, Pa. The investigating committee discovered that H. C. Frick, manager of the Carnegie Steel Co., had engaged 300 Pinkerton guards, who entrained in Chicago, New York City, and Philadelphia, proceeded to Pittsburgh, where they were armed with Winchesters, loaded onto a barge, and sent to Homestead.<sup>3</sup> Their attempts to land provoked a bloody struggle with the strikers, which shocked the entire The Senate committee found that the Pinkertonscountry.

as private citizens acting under the direction of such of their own men as were in command \* \* \* fired upon the people of Homestead, killing and wounding a number.4

<sup>147</sup>th Cong., 2d sess. Senate. Committee on Education and Labor. Relations Between Labor and <sup>2</sup> For a bibliography of important congressional investigations and other State and Federal sources bearing on the use of strikebreakers and imported guards in industrial disputes, see appendix A attached to this

report.

3 52d Cong., 2d sess. H. Rept. No. 2447. Employment of Pinkerton Detectives, pp. 21-23.

4 52d Cong., 2d sess. S. Rept. No. 1280. Investigation of Labor Troubles, p. 2.

A variant of the practice revealed at Homestead was discovered by the House Committee on Labor in a strike in 1909 at the Pressed Steel Car Co.'s plant at McKees Rocks, Pa. This strike was broken by strikebreakers and guards supplied by the Bergoff Service Bureau of New York City. Described by its general manager, Leo C. Bergoff, as a strikebreaking concern pure and simple,2 the Bergoff Service Bureau made its greatest profits in this strike on strike-

breakers, and used guards mainly to prevent their escape.3

Later, in 1912, a subcommittee of the Committee on Education and Labor of the Senate investigated a strike of coal miners in the Paint and Cabin Creek district of West Virginia resulting from the operators' failure to renew their contract with the United Mine Workers of America.4 Here again it was found that imported guards and strikebreakers played an important role. The Baldwin-Felts Detective Agency furnished guards who, in the course of the dispute, merited their reputation for wanton brutality. In addition to their work of terrorization, the guards "protected" imported strikebreakers largely secured from the George Williams Agency in New York City.<sup>5</sup>

The United States Bureau of Labor Statistics found that the strike of Michigan copper miners which began July 23, 1913, under the leadership of the Western Federation of Miners, was broken when the mine operators of Houghton County brought in strikebreakers and guards. Guards supplied by the Waddell-Mahon Corporation, the Ascher Detective Agency, and Pinkerton National Detective Agency, all of New York, earned the characterization of "thugs" or

"gunmen." 7

Federal agencies and inquiries also found that the following strikes were made tragically notable through the use of imported guards and strikebreakers: The southern Colorado coal strike of 1913; 8 the 1920 strike of coal miners in the Tug River, W. Va., coal field; of the coal miners' strike in southern Illinois in 1922; 10 and the strike in 1925 of the workers of the Pittsburgh Coal Co.<sup>11</sup>

<sup>1</sup> U. S. Department of Commerce and Labor, Immigration Service, report of investigation at McKees Rocks, Pa. (by Inspector A. P. Schell). September 1909. P. 1.

1 62d Cong., 1st sess. House. Committee on Labor. Peonage in Western Pennsylvania. Hearings pursuant to H. Res. No. 90, p. 26.

1 Ibid., especially pp. 7, 12, 18, 34-41.

4 63d Cong., 1st sess. Senate. Subcommittee of the Committee on Education and Labor. Conditions in the Paint Creek District, West Virginia. Hearings pursuant to S. Res. 37, p. 361; testimony of Gov. William E. Glasscock. A memorable example of guard brutality was the shooting of the tent colony and village of Holly Grove, W. Va. A machine gun mounted on a slowly moving train, supplemented by a number of rifles, on the night of February 7, 1913, killed 2 persons and wounded 16 others. For an account of guard conduct in this strike see ibid., pp. 432-444, 548, 551, 643-649.

Ibid., pp. 632-638, 641, 694-744.

U. S. Department of Labor, Bureau of Labor Statistics. Michigan Copper District Strike (by Walter B. Palmer): Bulletin of the Bureau of Labor Statistics No. 139, pp. 7-9. For importation of guards, see ibid., pp. 48; 58-59. For importation of strikebreakers, see ibid., pp. 62-66.

1 ibid., pp. 55, 67-72.

U. S. Commission on Industrial Relations. Report on Colorado Strike (by George P. West). Washington, D. C. 1915. Pp. 101-106. 63d Cong., 2d sess. House. Subcommittee of the Committee on Mines and Mining. Conditions in the Coal Mines of Colorado. Hearings pursuant to H. Res. 387. Guards: see pp. 216, 206-288, 328, 332, 344. Strikebreakers: see pp. 48-52, 141-153, 223.

67th Cong., 1st sess. Senate. Committee on Education and Labor. West Virginia Coal Fields. Hearings pursuant to S. Res. 80. Guards: see pp. 7, 16, 39, 173, 486-490, 670-677, 719, 751. Strikebreakers: see pp. 8.

10 U. S. Coal Commission. Report on Civil Liberties in the Coal Fields, pursuant to the act approved

see p. 8.

10 U. S. Coal Commission, Report on Civil Liberties in the Coal Fields, pursuant to the act approved Sept. 22, 1922. Public, No. 347. Washington, Government Printing Office, 1925, pp. 165-174.

11 70th Cong., 1st sess. Senate. Committee on Interstate Commerce. Conditions in the Coal Fields of Pennsylvania, West Virginia, and Ohio. Hearings pursuant to S. Res. 105. Guards: see pp. 87-118. Strikebreakers: see p. 16.

SECTION 2. THE ROLE OF DETECTIVE AGENCIES IN PROVIDING STRIKE SERVICES AND THE CHARACTER OF STRIKEGUARDS AND STRIKE BREAKERS

In some of the strikes investigated it appeared that the employers recruited their strikebreakers and guards directly without the intervention of professional intermediaries. For example, the Industrial Commission of 1898, in its report of 1901, found, with reference to mining strikes in the Western States, that-

Several labor men asserted that mine operators have imported laborers, colored and white, from the Eastern States for the purpose of defeating strikes. was done especially in connection with the strike at Leadville in 1896 and with the strike of miners in the northern coal district of Colorado in 1896. The laborers so imported, it was claimed, are often induced to come by misrepresentations; they are not informed of the existence of a strike. \* \* tives of employers did not deny the existence of this practice of importing labor in Colorado.

Members of such associations as the National Metal Trades Association, the Lake Carriers' Association, or local employers' associations, were sometimes supplied with strikebreakers through the employment departments of such associations.2 The General employment Managers' Association, an association of railroad operators, recruited guards used in the Pullman strike of 1894.3

Such instances are, however, rare. The official sources reveal that the bulk of the work of providing strikebreakers and guards, as early

as 1900, was carried on by the so-called detective agencies.

At its hearings in Chicago in 1892 the Senate investigating committee found that detective agencies were extensively engaged in guard service. The history of some of these agencies dated from the labor troubles of 1886, and some antedated that. The committee found that the Pinkerton agency, the first in the field, had become the type. Allan Pinkerton, the founder, had set up business in Chicago in 1850.5 The House committee which investigated this agency in 1892 found that it had principal offices in eight large cities and regularly employed six to eight hundred people. At that time, it possessed an arsenal, located in Chicago, of 250 rifles and 400 pistols. Its business was described as-

that of private detectives, but in connection therewith they have also built up the business of furnishing watchmen or guards for railroad trains in the case of strikes, and also for mining and manufacturing companies in the case of riots and labor troubles

Another outstanding concern in the field was the Baldwin-Felts Detective Agency, which began to furnish guards to employers in Two of its most notorious jobs were with the Paint and Cabin

<sup>1</sup> Industrial Commission. Report on Relations and Conditions of Capital and Labor Employed in the Mining Industries, vol. 12 of the Commission's reports, p. 10.

164th Cong., 1st sess. S. Doc. No. 415. Final Report and Testimony of U. S. Commission on Industrial Relations, vol. VII, p. 6431. See ibid., vol. II, pp. 1231-1252.

1 U. S. Strike Commission. Report on the Chicago Strike of June July 1894. Washington, Government Printing Office, 1894, p. 40.

1 52d Cong., 2d sess. Senate. Select Committee to Investigate the Employment for Private Purposes of Armed Bodies of Men. Testimony, pp. 79-104.

1 52d Cong., 2d sess. H. Rept. No. 2447. Employment of Pinkerton Detectives. p. 17.

1 51dd., p. 16.

7 Ibid. For Pinkerton activities, in addition to investigations of the Homestead strike, see: 56th Cong., 1st sess. S. Doc. No. 25. Coeur D'Alene Mining Troubles, p. 2. U. S. Dept. of Labor, Bureau of Labor Statistics, Michigan Copper District Strike. Bulletin of the Bureau of Labor Statistics, No. 139, p. 58.

64th Cong., 1st sess. S. Doc. No. 415. Final Report and Testimony of the U. S. Commission on Industrial Relations, vol. VII, p. 6439; vol. XI, pp. 10133-10134.

63d Cong., 1st sess. Senate. Subcommittee of the Committee on Education and Labor. Conditions in the Paint Creek District, West Virginia. Hearings pursuant to S. Res. 37, p. 869.

Creek Coal Operators Association in West Virginia in 1912, and with the Colorado Coal Operators Association in 1913. In 1920 it was employed by the Williamson Coal Operators Association in the Tug River district strike.1

Other detective agencies that figured repeatedly in the industrial disputes of the first decades of the twentieth century were the Thiel agency of St. Louis,<sup>2</sup> and the Ascher, Bergoff, William J. Burns, and

Waddell-Mahon agencies of New York.3

- A former commissioner of licenses for the city of New York, testifying before the United States Commission on Industrial Relations in 1914, stated that there were numerous agencies in New York City engaged in the business of supplying strikebreakers. He found that these detective agencies were not subject to regulation as employment agencies, because they exacted no fee from the men supplied as strikebreakers, but merely furnished them under contract to the employer at so much per head.<sup>5</sup> Thus by 1914 it is apparent that the strikebreaker had no status as a bona fide employee, but was simply one of an industrial mercenary army.

The investigations reveal that the function of the strikebreakers was to replace the striking workers, not so much for the purpose of maintaining operations, for strikebreakers were often occupationally incompetent, as to give the appearance of maintained operation. Strikebreakers were employed to give the appearance of a broken strike, and to drive employees back to work through fear of losing their jobs. After the strike, the strikebreakers were customarily discharged, and their places gradually filled by the old employees.8

The use of the strikeguard was justified on the basis of the necessity of providing adequate police protection for the strikebreakers or the plant property. The investigations and reports, however, reveal that the presence of the guards, far from providing order or protection, usually resulted in disorder and violence. The record piles up incident after incident of unwonted aggression and brutality on the part of these men, so that their role appears to be the deliberate exercise of intimidation and terror.9

<sup>167</sup>th Cong., 1st sess. Senate. Committee on Education and Labor. West Virginia Coal Fields. Hearings pursuant to S. Res. 80, pp. 890-891.

1 This agency, as well as the Bergoff and Burns Agencies, is still active. It was not subpensed by the committee, but evidence of its activity is contained in the committee's files.

1 U. S. Department of Labor, Bureau of Labor Statistics, Michigan Copper District Strike (Bureau of Labor Statistics Bulletin No. 139), pp. 53-60.

4 64th Cong., ist sess. S. Doc. No. 415, Final Report and Testimony of the U. S. Commission on Industrial Relations, vol. II, p. 1208. Testimony of Herman Robinson. Outstanding in Mr. Robinson's recollection in this connection were the Bergoff Agency, the Farley Detective Agency, Pinkerton's National Detective Agency, and the Waddell-Mahon Corporation.

1 Ibid.

<sup>\*</sup>Ibid.

\* Ibid.

\* See also the Sherman Detective Agency, Inc., Industry, Society, and the Human Element (Boston, Mass., 1917), p. 31 (a brochure advertising the espionage and strike services of the Sherman Agency).

\* 762d Cong., 1st sess. House Committee on Labor. Peonage in Western Pennsylvania. Hearings pursuant to H. Res. No. 90, in its entirety. 63d Cong., 2d sess. House Committee on Rules. Industrial Disputes in Colorado and Michigan. Hearings pursuant to H. Res. Nos. 290 and 313, pp. 18, 32-44. 64th Cong., 1st sess. S. Doc. No. 416. Final report and testimony of the U. S. Commission on Industrial Relations, vol. I, pp. 93-94; vol. II, pp. 1165-1342.

\* For a striking admission of this fact see pt. 15-A, exhibit 1883, p. 5495, a builetin of the National Metal Trades Association, concerning the strikebreaking services offered to its members.

\* 62d Cong., 1st sess. House. Committee on Rules. Conditions Existing in Westmoreland Coal Fields. Hearings pursuant to H. Res. 179, p. 22. For one effect of such indiscriminate terrorization see citizens' petition, ibid, p. 50. 63d Cong., 2d sess. House. Committee on Rules. Industrial Disputes in Colorado and Michigan. Hearings pursuant to H. Res. 290 and 313, pp. 4-17, 30-31, 40-43. 67th Cong., 1st sess. Senate. Committee on Education and Labor. West Virginia Coal Fields. Hearings pursuant to S. Res. 80, pp. 603, 607 ff. U. S. Coal Commission, Report on Civil Liberties in the Coal Fields (pursuant to the act approved Sept. 22, 1922, Public, No. 347) pp. 165-174. 70th Cong., 1st sess. Senate. Committee on Interstate Commerce. Conditions in the Coal Fields of Pennsylvania, West Virginia, and Ohio. Hearings pursuant to Governor Pinchot (Harrisburg, 1934), p. 1.

For example, in the copper miners' strike in the Michigan Peninsula in 1913 the Waddell-Mahon Corporation supplied 112 guards who, in company with 150 guards sent by the Ascher Detective Agency of New York City, took over the functions of law enforcement officers. The guards of both these agencies were involved in violence and shootings, culminating in an unwarranted attack on a miners' boarding house. The Waddell men emptied their revolvers into the house, which contained men, women, and children, riddling it with bullets, wounding four men who were at dinner and killing two others.1

Brazenly, the Waddell-Mahon Corporation advertised its services in this strike as proof of its effectiveness in the breaking of strikes. One of its brochures, distributed to employers in 1913, reads in part

as follows:

As an evidence of our ability as strikebreakers, we invite your attention to the labor difficulties now ensuing along the copper range of the Upper Peninsula of Michigan between the Calumet & Hecla Copper Co., the Commonwealth Copper Co., the Quincy Copper Co., et al., and the Western Federation of Miners. We ask you to watch the progress of the present strike, because we know it will be a triumph for law and order, a triumph for the mine owners, and will furnish still another evidence of the success we have always met with in breaking strikes. We ask you to judge us by results.3

The evidence in official documents provides abundant examples of similarly wanton brutality.3 The character of the imported guard was evidenced by his conduct. Thomas L. Felts, of the Baldwin-Felts agency, testified in 1913 that one of the first requirements for a Baldwin-Felts guard was shooting ability.4 This did not necessitate, in Mr. Felts' view, any investigation concerning pistol licenses, or, indeed, any investigation of the prospective guard's marksmanship. The mere fact of willingness to serve as a guard apparently was sufficient index to the character of the applicant. It is not remarkable, therefore, that many men whose records barred them from other employment found service as guards. Albert C. Felts, also of the Baldwin-Felts agency, testified before a congressional investigating committee in 1914 concerning the recruiting of such men:

Q. Where did you get these men from—these between the 40 and 75 men and the 20 men you had?—A. The majority of those men were gotten in the city of Denver—they were employed in the city of Denver.

Q. Do you mean to say that they were citizens of this State?—A. I really can not say that—these men made application—the majority of them, as I recall it now—for instance some of the men say they had had experience in strike duties in other fields—worked in that line in other fields.

Q. What do you mean?—A. Strike guard duty.

It thus appears from the testimony of Albert Felts that by 1914 a class of men suitable for guard work had developed in industrial centers, and that these men comprised a large part of private armies of

<sup>1</sup> U. S. Department of Labor, Bureau of Labor Statistics, Michigan Copper District Strike (Bureau of Labor Statistics Bulletin No. 139) p. 50.

1 Ibid., pp. 59, 60.

2 See especially, in addition to reference listed above, 62d Cong., 2d sess. H. Doc. No. 671. The Strike at Lawrence, Mass., pp. 106, 123, 234. West Virginia Mining Investigation Commission, Report to Governor Glasscock (Charleston, 1912), pp. 2-3. 63d Cong., 1st sess. Senate. Subcommittee of Committee on Education and Labor. Conditions in the Paint Creek District, W. Va. Hearings pursuant to S. Rec. 37, pp. 432-442; 638-678. 64th Cong., 1st sess. S. Doc. No. 415. Final report and testimony of U. S. Commission on Industrial Relations, p. 2, 478.

4 63d Cong., 1st sess. Senate. Subcommittee of Committee on Education and Labor. Conditions in the Paint Creek District, W. Va. Hearings pursuant to S. Res. 37, p. 877.

5 Ibid., p. 850.

1 Ibid., p. 858. For reference to criminal records of guards, see in addition, 52d Cong., 2d sess., S. Rept. No. 1280. Investigation of Labor Troubles, pp. 10, 92.

7 63d Cong., 2d sess. House. Subcommittee of Committee on Mines and Mining. Conditions in the Coal Mines of Colorado. Hearings pursuant to H. Res. 387, p. 332.

the detective agencies. The strikebreaking guard was an occupa-

tional fact, firmly fixed in the industrial pattern.

The reports and investigations indicate that, toward the end of the period, the character of the strikebreaker, as distinguished from the strikeguard, also began to become an occupational type. So long as immigration continued, the throngs of newly arrived foreigners provided, through iggrance and gullibility, much of the strikebreaking army. Immigrants were often recruited without being told of the existence of a strike, and transported under armed guard to the scene of conflict. Arrived at the strike, the guards had the function of preventing the escape of these duped strikebreakers. Workmen who were not immigrants were often recruited in the same way.2 Today this type of strikebreaker is seldom available.

The men provided by the agencies as strikebreakers today are generally strikebreakers by calling.<sup>3</sup> They have no real trade, and move from one strike job to another.<sup>4</sup> There is even less justification for their employment than there was for the forced labor of the immigrant.

Another strike service of the detective agencies, in addition to the provision of strikebreakers and guards, requires comment. This is the supplying of propagandists, who circulate among strikers or townspeople, in various guises, sometimes as salesmen, to spread rumors and influence a return to work.5 There is occasional evidence of the development of this strike service in the official records prior to this committee's investigation.6 This committee has found it to be a detective agency service of major importance.7

#### SECTION 3. EFFECT AND PURPOSE OF STRIKE SERVICES

These earlier investigations found that strikers and employees generally were, as might be expected, bitterly hostile toward profesintroduction of such persons into strike situations seems to have provoked conflict. As early as the eighties "Pinkerton detectives" were hated and resented by the better class of citizens in the mining regions in Pennsylvania. The House committee investigating a strike in the Lehigh region in Pennsylvania in 18888 found that the railroad and coal and iron police of Pennsylvania, were equally outrageous in their conduct and equally disliked.

In 1892 the House committee investigating the activities of the Pinkerton detectives in the Homestead strike found that the mere employment of "Pinkerton men" was sufficient to provoke strike

violence.

<sup>1</sup> See 62d Cong., ist sess. House. Committee on Labor. Peonage in Western Pennsylvania. Hearings pursuant to H. Res. 90, pp. 37-46.

1 See 64th Cong., ist sess. S. Doc. No. 415. Final Report and Testimony of U. S. Commission on Industrial Relations. Vol. XI, pp. 10, 177.

1 The Sherman agency brochure of 1917, mentioned above, refers to "professional strikebreakers," showing that the type existed at least as early as that date.

1 See testimony of Pearl Bergoff, quoted on p. 123.

2 See Sherman agency brochure (supra) at pp. 29, 39, 40.

1 Gello Cong., 1st sess. S. Doc. No. 415. Final Report and Testimony of U. S. Commission on Industrial Relations. Vol. XI, pp. 10104, 10130, 10134, 10136. 67th Cong., 1st sess. Senate Committee on Education and Labor. West Virginia Coal Fields. Hearings pursuant to S. Res. 80, pp. 354-393.

2 See pp. 112 ff.

3 50th Cong., 2d sess. H. Rept. No. 4147. Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-88, pp. 1K. X.

3 See Pennsylvania, Department of Labor and Industry, Report by the Commission on Special Policing in Industry, to Governor Gifford Pinchot. (Harrisburg, Pa., 1934), p. 18. The reliroad and coal and iron police, created by a legislative act in Pennsylvania in 1885 and 1886, were private police directed and paid by employers, but commissioned by the Governor of the State. Legislation empowering coal and iron policemen was repealed in 1935 by the act of June 15, 1935 (Public Law 348, sec. 1.)

They are professional detectives and guards or watchmen, and in the latter capacity may properly be characterized as a sort of private military or police force. They have been employed frequently by corporations in the case of strikes and other labor troubles and there exists an irreconcilable hostility between them and labor organizations. Nothing is better calculated to incite the latter to deeds of violence than for Pinkerton men to be brought in contact with them.

That this resentment on the part of labor organizations extended to the importation of strikebreakers was found by the Senate committee reporting on the Paint Creek coal field strike in West Virginia in Strikebreakers were recruited for this strike in the large cities, frequently on the basis of misinformation and misrepresentation. The committee found that—

\* \* \* The importation of this labor into the district intensified the bitterness, greatly increased the strike and disturbances, and delayed the chance of an amicable settlement.

The United States Commission on Industrial Relations, which had investigated not one, but many industrial disputes, found, in its report of 1915, that such reaction to the use of strikebreakers was general and widespread. Analyzing the purpose and effect of using strike-breakers, the Commission found considerable justification for the attitude of strikers toward them. The employer, according to the Commission, defended the practice on the ground of his supposed "right to do business," but this, in the opinion of the Commission, was an inadequate defense, because the strikebreaker in most cases was not a bona fide workman employed for the maintenance of pro-Balanced against this inadequate justification of the strikebreaker was the interest of the striker in his job. The Commission stated:

The plea of the workers for the assumption of a new attitude in relation to strike breakers is, however, based not only upon the negative character of the rights of the employer and the strike breaker, but upon a positive though somewhat undefinable demand for recognition of the fact that strikers have a right to the jobs which they have left until their grievances are in some way adjusted.

The argument is not only that when workers are willing to strike and sacrifice their livelihood, the conditions against which they protest must be assumed to be socially injurious, but, even more that the worker who has struck in support of his demand for better conditions has not abandoned his job, but, in fact, has a keener interest in it than when quietly submitting to distasteful conditions.

The practice of using professional armed guards in labor disputes was attacked by these earlier fact-finding bodies. Condemnations of the practice based upon its results and effects may be found in a number of the hearings above noted. The United States Commission on Industrial Relations, reporting in 1915, delivered a sweeping indictment against it. The select Senate committee investigating the Homestead incident in 1892 found that the practice of using armed

<sup>1 52</sup>d Cong., 2d sess. H. Rept. No. 2447. Employment of Pinkerton Detectives, p. XV.
2 63d Cong., 2d sess. S. Rept. No. 321. Paint Creek Coal Fields of West Virginia, p. 3.
3 69th Cong., 1st sess. S. Doc. No. 415. Final Report and Testimony of U. S. Commission on Industrial Relations, vol. I, p. 94.
4 Ibid, p. 95.
5 Ibid.

<sup>\*\* 101</sup>d.

\*\* 53th Cong., special sess. S. Doc. No. 6. Report on the Anthracite Coal Strike, May-October, 1962 (by the Anthracite Coal Strike Commission), p. 83. 61st Cong., 2d sess. S. Doc. No. 521. Report on the Strike at Bethlehem Steel Works, South Bethlehem, Pa. (by Bureau of Labor), p. 133. U. S. Commission on Industrial Relations, Report on Colorado Strike (by George P. West) Washington, 1915, pp. 31, 54, 58, 83, 102. 63d Cong., 3d sess. H. Doc. No. 1630. Report on Colorado Strike Investigation, p.6.

\*\*f 64th Cong., 1st sess. S. Doc. No. 415. Final Report and Testimony of U. S. Commission on Industrial Relations, Vol. I, pp. 92-98.

guards contravened the principles of sound constitutional government. This committee recognized that the use of such men was an infringement on the monopoly of coercive force which can only be entrusted, in a civilized society, to governmental authority responsible to the public. The committee's views on this subject are as valid and applicable today as they were when they were uttered.

Whether assumedly legal or not, the employment of armed bedies of men for private purposes, either by employers or employees, is to be deprecated and should not be resorted to. Such use of private armed men is an assumption of the State's authority by private citizens.

Similar condemnation was voiced by members of the House committee

investigating the same incident.2

Practically all of the strikes remarkable for the use of armed guards or strikebreakers which have been mentioned above have one factor in common which goes far to explain the true use and character of these forms of strikebreaking service. These were, for the most part, among the bitterest and most serious strikes in our early industrial history. In nearly all of them the principal, if not the only issue in dispute was the refusal of the employer to recognize and

bargain collectively with the union and his employees.

The Homestead incident, for example, was occasioned by the determination of the Carnegie Steel Co. to crush the union of its employees organized in the Amalgamated Association of Iron, Steel, and Tin Workers.3 The Chicago railroad strike in 1894 occurred because the Pullman Palace Car Co. would not negotiate with its employees recently organized in the American Railway Union; and it grew into a strike involving all of the principal railroads entering Chicago when the nonrecognition policy of the Pullman Co. was supported by General Managers' Association, representing the concerted antiunionism of the railroad companies. Similarly, unionism was the real issue in the 1910 strike of bituminous-coal miners in Westmoreland, Pa.<sup>5</sup> The Michigan Copper miners struck for a union contract in 1913,6 and the Senate report on the 1913 coal miners' strike in the Paint Creek District of West Virginia lists the failure of coal operators to renew their contract with the United Mine Workers as a cause of the strike.7 The report on the Colorado coal strike of 1914, issued by the United States Commission on Industrial Relations found that the strike was a result of the antiunion technique of the Colorado Fuel & Iron Co.8

It was in strikes of this nature that the services of the detective agencies were most consistently used. The brutal conduct of the armed guards and the violence and hostility they provoked seem an integral part of the struggles for union recognition and collective bargaining. These strikes were not fought over minor issues of wages

Statistics, No. 139), pp. 9-11.

1 63d Cong., 2d sess. S. Rept. No. 321. Investigation of Paint Creek Coal Fields of West Virginia, p. 5.

4 U. S. Commission on Industrial Relations. Report on the Colorado Strike (by George P. West). Washington, D. C., 1915, p. 17.

<sup>1 52</sup>d Cong., 2d sess. S. Rept. No. 1280. Investigation of Labor Troubles, p. XXVIII.
2 52d Cong., 2d sess. H. Rep. No. 2447. Employment of Pinkerton Detectives, Views of Mr. Broderick, p. 26; of Mr. Buchanan, p. XXVI.
5 52d Cong., 2d sess. H. Rept. No. 2447. Labor Troubles at Homestead, Pa., p. XI.
4 U. S. Strike Commission. Report on the Chicago Strike of June-July 1894. Weshington, Government Printing Office, 1894, pp. 13, 14, 22,
6 62d Cong., 2d sess. H. Doc. No. 847. Report on the Miners' Strike in Bituminous Coal Fields in Westmoreland County, Pa., in 1910-11 (prepared by the Bureau of Labor), pp. 43-46.
8 Bureau of Labor Statistics, Michigan Copper District Strike. (Bulletin of the U. S. Bureau of Labor Statistics, No. 139), pp. 9-11.

or hours; they were struggles of working men to be represented collectively in their dealings with their employer, and to be accorded the rights of equals and citizens in the economic sphere. Employers who refused these rights, who rejected negotiation and bargaining, who sought to repress organization among their employees, could afford to use the weapons of outright warfare. The armed guards and the imported strikebreakers constituted such weapons. A policy of union recognition and the practice of bona fide bargaining would have made the utilization of such detective agency services abhorrent if not impossible. The professional strikeguard and strikebreaker, prior to this committee's investigation, constituted the culminating factor in a pattern of industrial relations based upon the refusal of the employer to recognize and deal with organizations of his employees.

#### SECTION 4. RECOMMENDATIONS FOR FEDERAL LEGISLATION

The early investigations, in their legislative recommendations, concerned themselves more with the evils of the practice of using professional strikebreakers and strikeguards than with its causes and objectives. Opinions differed as to the legislative technique to be pursued in eliminating the evils of these strike services. The majority of the House Committee on the Judiciary, reporting on the Homestead incident and the Pinkerton Agency, stated that Federal regulation would be of dubious constitutionality and continued:

\* \* \* it rests with the States to pass such laws as may be necessary to regulate or prohibit the employment of Pinkerton watchmen or guards within their respective jurisdictions.

The views of the minority, however, were to the effect that Congress had power to prevent the use of private detectives by persons engaged in interstate commerce.<sup>2</sup> As a result of the investigation the House proposed legislation making it unlawful for any officer of the Government or District of Columbia, or any individual, firm, or corporation having contracts with the United States to employ the Pinkerton or similar agencies.<sup>3</sup> This proposal was replaced by a Senate amendment after extended conference between the two branches of Congress. Speaking against the House bill, Representative Bingham of Pennsylvania reflected the interests and policies of the dominant industry in his State:

It will \* \* \* make \* \* \* impossible the right of the Government to authorize any officer to enter into contract for army or naval ordnance metal. as well as steel plates for armoured vessels or defensive fortification material. The life of the nation, the property of the people, should war be entered upon, the safety of the Republic in jeopardy, placed so because of unconsidered, hasty legislation.

The Senate amendment, which became law, was quite limited in scope. It reads:

No employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia.

<sup>1 52</sup>d Cong., 2d sess. H. Rept. No. 2447. Employment of Pinkerton Detectives, p. XVI.
2 Ibid, pt. 2, Views of the Minority. Views of Mr. Buchanan, p. XXVIII; Mr. Stockdale, p. LXVIII.
3 52d Cong., 1st sess. Congressional Record, p. 6418.

<sup>4</sup> Ibid., p. 7121.

4 Act of March 3, 1893, ch. 208, sec. 1, 27 Stat. 591 (5 U. S. C. 53, 1934). For testimony concerning evasion of this statute by the Pinkerton Agency, see pt. 5, pp. 1591-1592 and exhibit 583, pp. 1826-1827.

The United States Commission on Industrial Relations, which investigated not one but many instances of the use of industrial guards and strikebreakers, made sweeping recommendations for Federal legislation in its final report of 1916. The recommendations read as follows:

That Congress drastically regulate or prohibit private detective agencies doing business in more than one State, employed by a company doing an interstate business, or using the mails in connection with their business. Such regulation, if it is feasible, should include particularly the limitation of their activities to the bona fide functions of detecting crime, and adequate provision should be made for the rigid supervision of their organization and personnel.1

None of these recommendations bore fruit in the form of Federal legislation pertaining to the subject of strikebreaking. The State governments, without Federal assistance, have from time to time passed laws bearing directly or indirectly on the evils of the strikebreaking business. On the whole, up until recent years, this legislative effort on the part of the States lacked effectiveness. A discussion of the earlier State statutes follows.

#### SECTION 5. STATE ATTEMPTS TO DEAL WITH STRIKEBREAKING SERVICES

Recognition of the evils of the strikebreaking business found early expression in legislative attempts by several States to cope with the problem. The activities of the detective agencies in providing and transporting armed bodies of men in the late eighties and nineties aroused considerable public excitement and resentment.2 have pointed out above, the Pinkerton Agency constituted the type in this field of activity. The statutes passed in response to the popular feeling against the "Pinkerton men" and similar groups may be classified roughly into two classes: one consisting of those which prohibit the importation of guards from other States, and the other prohibiting the employment or hire of armed guards within the State under certain specified circumstances.

In Illinois and North Carolina no effective statutes of either kind were passed, but the legislatures bowed to public opinion by enacting statutory expressions of disapproval. The Illinois law, passed in 1879, forbade any company of private detectives to parade in arms, and the North Carolina act, passed in 1893, forbade any body of three or more persons, calling themselves detectives, to go armed.3 These acts bear witness to the prevailing feeling toward strikeguards at

The majority of these early legislative efforts consisted of prohibitions of the importation of guards or armed men from other States. In 1889, or earlier, Missouri passed a statute to this effect, and Montana and Idaho embodied the prohibition in their constitutions. 1890 Wyoming followed suit with a constitutional provision.

Arkansas passed a similar law. Kentucky passed its statute in 1892. In 1893 South Dakota and Nebraska passed such laws.

<sup>1</sup> U. S. Commission on Industrial Relations. Final report (Washington, D. C., 1915), p. 79.

3 An interesting indication of this feeling is the popular song or ballad entitled "Father was Killed by the Pinkerton Men," published and copyrighted in 1892 by William W. Delaney. The author was "Willie Wildwave": the verses describe a strike and the chorus reads:

God help them tonight in the hour of their affliction
Praying for him who they'll ne'er meet again
Hear the poor orphans tell their sad story
Father was killed by the Pinkerton men.

Illinois, Smith-Hurd, Rev. Stats., 1935, ch. 38, sec. 534. Approved May 28, 1879. North Carolina code, sec. 4416.

sec. 4416,

lina and Utah added their prohibitions in 1895. The last of the laws

of this type was passed by Kansas in 1897.

These laws vary in scope. In seven of the States mentioned, the laws or constitutional provisions prohibit any person or corporation from importing guards for the purpose of suppressing domestic vio-In three of the States it was forbidden to import guards to discharge duties devolving upon police officers.2 The Montana statute 2 prohibits bringing into the State persons for either of the above purposes. The text of the South Dakota statute, which is fairly typical, is as follows:

S. 5059. Importation of armed forces prohibited. No armed body of police or detectives, or armed body of men other than United States troops, shall be brought into this state for the suppression of violence, except upon the application of the legislature then in session, or the governor, when the legislature is not in session. Any violation of the provisions of this section shall be deemed a felony.4

As will be observed, the effect of such a law is necessarily limited by whatever judicial construction may be placed upon the words "suppression of domestic violence." Apparently, the act of importation is forbidden only in connection with a specific emergency or outbreak of disorder. It is conceivable that guards imported for the ostensible protection of private property during a peaceful strike would not fall within the prohibition of the statute. A further restriction on the operation of such statutes appears in the laws of Kentucky and South Dakota and in the applicable constitutional provision in Utah, which do not prohibit the importation of unarmed guards. It might be possible to evade this form of prohibition by supplying arms to guards at the place of service.

The States of Texas and West Virginia approached the problem by prohibiting not the importation of guards, but the employment of guards who do not reside in the State. Both of these laws were passed in 1893\_and may be classified as part of the nation-wide reaction against the practices of the Pinkerton agency at Homestead and else-

where. The Texas law contains the curious proviso that:

Nothing therein shall be construed to deprive any person, firm, or corporation of the right of self-defense, or defense of the property of said person, firm, or corporation by such lawful means as may be necessary to such defense.

In six States legislative concern with the evils of strikebreaking took the shape of statutes prohibiting the employment or furnishing for hire of armed guards under certain circumstances or for specified The first statute of this type was passed in Minnesota in 1891, making it a gross misdemeanor to keep or let out "any armed force for hire, or to institute or keep any private detective office" for

¹ Arkansas Laws (1891), ch. 143, Crawford and Moses Digest (1921), secs. 2792, 2793; Idaho Laws (1891)-p. 15, Code Annotated (1932), vol. I, secs. 17-1030, 1031, and constitution (adopted 1889), art. 14, sec. 6, Kentucky Laws (1892), ch. 97, Carroll's Statutes Annotated—Baldwin's 1936 revision, sec. 1376, and constitution (adopted 1895), sec. 225; South Carolina Code (1932), constitution (adopted 1895), art. 8, sec. 9; South Dakota Laws (1893), ch. 17, Compiled Laws of 1929, vol. 11, sec. 5059; Utah Revised Statutes (1933), constitution (adopted 1896), art. 12, sec. 16; Wyoming Revised Statutes (1931), constitution (adopted 1890), art. 19, sec. 6.

¹ Kansas Laws (1897), ch. 124, Corrick's General Statutes Annotated (1935), secs. 21-1616, 1617, 1618; Missouri Laws (1889), Revised Statutes (1929), vol. I, secs. 4237, 4240; Nebraska Laws (1893), ch. 51, Compiled Statutes (1929), secs. 28-725.

¹ Montana Laws (1895), Revised Code (1935), vol. I, sec. 10925, and constitution (adopted 1889), art. 3, sec. 31; also vol. V, sec. 11315.

<sup>\*\*</sup>State Code\*\*: Note that the section of the sectio

that purpose.1 Shortly thereafter in 1893, Wisconsin passed a statute which made it unlawful to employ any body of armed men to act as militia men or peace officers-"for the protection of persons or property or for the suppression of strikes, whether such armed men be employees of detective agencies so called, or otherwise," if such persons were not

authorized by the laws of the State to act in that capacity.2

Statutes of similar intent but considerably limited in scope found their way on to the books of Tennessee, Oklahoma, and Colorado in 1901, 1908, and 1911, respectively.3 These laws made it unlawful to hire, "through private detective agencies or otherwise" armed persons for guard duty in cases "where workmen are brought into the State or induced to go from one place to another in the State by any false pretenses, false advertising or deceptive representation, or brought into the State under arms." This type of statute is unintelligible until it is remembered that during the period of our industrial history when these statutes were passed it was common practice to recruit persons to replace striking employees without advising them of the existence The detective agencies and the recruiting agents often made extravagant misrepresentations to ignorant and gullible immigrants and shipped them under armed guards to strikes in the West-Thus these statutes were designed to cover the typical contemporary strikebreaking situation.

In Oregon in 1899 it was made unlawful to organize, maintain, or employ an armed body of men for the purpose of performing any of the duties "properly belonging to the duly organized police patrol." This statute was also a reflex of the public concern over the armed men

supplied by the detective agencies.

The States took legislative cognizance of the strikebreaking phase of the detective-agency business, as distinguished from the function of providing armed guards. Prior to this committee's investigation, however, no State had prohibited detective agencies or employer associations from furnishing strikebreakers. The sole practice which earlier State Tegislation in this connection was designed to eliminate was the recruiting of employees to replace strikers without giving notice that a strike or labor dispute was in existence. As we have noted above, this practice was common when strikebreakers were recruited from the throngs of immigrants and floating labor in metropolitan centers. Obviously, today, as far as professional strikebreakers are concerned, laws requiring the giving of notice of a strike would have little deterrent effect. The committee's record indicates that workers are still, on occasion, recruited for strike jobs under false pretenses, but the practice no longer seems to be a major problem.<sup>5</sup>

Sixteen States passed laws of this nature prior to this committee's Twelve States made it unlawful for the employer to engage workmen, if he failed to disclose the existence of a labor dis-

Minnesota Laws (1891) Ch. 16, Mason's Stats. (1927) vol. II, sec. 10501.
 Wisconsin Laws (1893) Ch. 163, Wisconsin Stats. (1937) sec. 348.72.
 Colorado Laws (1911) Ch. 160, Stats. Ann. (1935) vol. III, sec. 73; Oklahoma Laws (1908) p.5 15, Stats. Ann. title 40, sec. 169; Tennessee Laws (1901) Ch. 104, Michie's Code (1938) sec. 11365.
 Oregon Laws (1899) p. 95, Ann. Code (1930) vol. I, title 14, secs. 440, 441, 442.
 Pt. 3, exhibit 442, p. 1074, decision of the National Labor Relations Board in the matter of S. L. Allen & Co., Inc., May 13, 1936.
 Strikebreakers were recruited under misrepresentations by the National Metal Trades Association.

pute. In Ohio, Pennsylvania, Texas, and Illinois, only the employment agencies were required to reveal the existence of a strike or lockout.

In seven States violations of these laws are punishable by fines which range at their maximum from \$50 to \$2,000.6 Five States have penal provisions, and these provide for imprisonment of not more than 1 year as an alternative to the fine. A civil action to recover damages resulting from the failure to disclose the existence of a labor dispute is

given to workmen in seven States.8

The State laws concerning armed bodies and strikeguards are more significant as an indication of widespread concern with the strikebreaking business than as a remedy for any of its evils. The Colorado law, for example, did not deter the Colorado Fuel & Iron Co. from employing the Baldwin-Felts Detective Agency in 1913 nor prevent the Ludlow massacre.9 The West Virginia statute, passed in 1893, did not prevent the Baldwin-Felts Detective Agency from bringing in outsiders to act as strikeguards in the Paint and Cabin Creek strikes in 1913.10 These strikeguards, as has been pointed out above, terrorized whole communities with machine guns and rifles. Examples could be multiplied. Most significant is the fact that in all the office correspondence of the detective agencies examined by this committee there was no mention of these "armed bodies" statutes." The detective agencies engaged in furnishing strikeguards today ignore these statutes. It is true that some of the agencies displayed a concern to have their strikeguards deputized, but their purpose in so doing was simply to avoid liability for the depredations and assaults that their guards might commit.<sup>12</sup>

agency.

4 Texas Compiled Stats. (1928), art. 5221.

I exas Complete Stats. (1929), art. 0221.
 I Illinois Laws, 1935; Jones Illinois Stats. Ann., 1937 Supp., sec. 46.38.
 California, Massachusetts, Maine, Minnesota, Montana, New Hampshire, Oklahoma.
 Colorado, Nevada, Oregon, Tennessee, Wisconsin.
 Colorado, Minnesota, Montana, Nevada, Oklahoma, Oregon, Wisconsin.

See p. 3.

10 63d Cong., 1st sess., Senate Subcommittee of the Committee on Education and Labor: Conditions in the Paint Creek District, West Virginia. Hearings pursuant to S. Res. 37. Pp. 874-876.

11 In as isting the Lindemann & Hoverson Co. in Milwaukee, Wis., in its strike in December 1935, the National Metal Trades Association refrained from sending guards and merely made a cash contribution of \$3,000, but whether this action was taken because of the Wisconsin statute of 1893, cited above, or the more stringent statute of 1931, regulating detective agencies is not clear. Pt. 3, pp. 858-800, testimony of Homer D. Savre D. Sayre. 11 See p. 10.

<sup>1</sup> California Deering's Labor Code (1937), division 2, pt. 3, ch. 2, secs. 973, 974; Colorado Stats, Ann., vol. III, ch. 97, secs. 71-74; Maine Revised Stats. (1930), ch. 54, secs. 7, 8; Massachusetts Ann. Laws (1933), vol. IV, ch. 149, secs. 22, 23, and ch. 150, sec. 4, Supp. (1935), vol. IV, ch. 149, sec. 23; Minnesota Mason's Stats. (1927), vol. II, secs. 10392, 10393; Montana Rev. Code (1935), vol. V, ch. 35, secs. 11220-11222; Nevada Complied Laws (1929), vol. II, secs. 2772-2774; New Han pshire Pul lic Laws (1926), vol. I, ch. 176, secs. 36, 38; Oklahoma Stats. Ann. titla 40, secs. 167, 168, 170; Oregon Code Ann. (1930), secs. 49-1001, 1602; Tennessee Michie's Code (1936), secs. 11303, 11364; Wisconsin Stats. (1937), sec. 103.42.

2 Ohio Ann. Code (1930), sec. 896-3d.

3 Pennsylvania Purdon's Code (1936), re-11-607, 608. In Pennsylvania the employer must also notify the employment agency of the existence of a labor dispute at his plant when requesting employees from the agency.

# CHAPTER II. EXTENT AND CHARACTER OF STRIKE SERVICES, 1933-37 As Shown by the Committee's Record

#### SECTION I. INTRODUCTION

The enactment of section 7 (a) of the National Industrial Recovery Act of 1933 changed the whole legal framework of the industrial scene in which commercialized strike services had played so long and so pernicious a role. The refusal of employers to bargain collectively with their employees, an attitude in which the strikebreaking agencies had so often played a leading part, thereafter contravened the policy of the National Government in labor relations as applied to businesses engaged in interstate commerce. The National Labor Relations Act restated and reinforced the policy of section 7 (a) of the National Industrial Recovery Act. The long course of American industrial history prior to 1933 clearly shows that the strikeguard, strikebreaker, and provocateur, furnished by strikebreaking agencies, were the implements of a labor policy based on the rejection of collective bargaining and were so recognized both by those who use them and by those against whom they were used. It may be said that since June 16. 1933 the use of professional strikebreakers and strike guards constitutes not only an indication of a reluctance to accord the rights of selforganization to employees and to bargain with them collectively, but also, in most cases, an index of hostility to the policy of the National Government in labor relations.

The committee's investigation of strikebreaking services covered the period roughly from 1933 to, and partially including, 1937. It thus embraces a period in which the use of the traditional strikebreaking services had an added significance. The committee's study of strikebreaking services was incidental to its study of institutions active in the field of labor relations. Some detective agencies and employer associations which came under its examination were found to provide strike services to employers. Additional persons or agencies engaged in the strikebreaking business came to the attention of the committee

through its study of certain industrial disputes.

The committee chose five detective agencies, the most prominent in industrial work in the Eastern States, all of which were subpensed in August 1936. The subpense called for documents relating to strike services from January 1, 1933, but not prior thereto. The hearings were held at irregular intervals from September 1936 to March 1937. First of the employers' associations to be subpensed was the National Metal Trades Association, upon which hearings were held in January 1937. The Associated Industries of Cleveland, an employers' association, was not subpensed until February 9, 1938, and hearings were held in March and April, 1938. Subpense on the employers' associations likewise called for data from January 1, 1933. In its investigation, the committee thus covered the period during which the principle of self-organization and collective bargaining by

<sup>&</sup>lt;sup>1</sup> Pinkerton's National Detective Agency, Inc., New York; Railway Audit & Inspection Co., Inc., Philadelphia, Pa.; Corporations Auxiliary Co., Inc., Cleveland, Ohio; Wm. J. Burns International Detective Agency, Inc., New York; and National Corporation Service, Inc., Youngstown, Ohio.

employees has been a part of Federal law affecting interstate commerce.

Of the five detective agencies subpensed by the committee, four, Pinkerton's National Detective Agency, National Corporation Service, W. J. Burns International Detective Agency, and the Railway Audit & Inspection Co., were found to provide guards in industrial disputes. Of these four, there was evidence to show that all but the Pinkerton agency at some time during the period under investigation had furnished strikebreakers. The provision of strikebreakers, in two of the agencies examined, did not, however, seem to be as frequent or as common an aspect of the business as the furnishing of guards.

Exhaustive investigation of these agencies revealed that strike services were a logical if not an invariable concomitant of other industrial work, such as labor espionage. It seems reasonable, therefore, to assume that agencies offering industrial work will at least tend to engage in strike services. A considerable number of other agencies are shown by the committee's records to offer the services

of strikeguards, and, less regularly, to provide strikebreakers.

The National Metal Trades Association and the Associated Industries of Cleveland furnished their members with guards in industrial The National Metal Trades Association, an association of metal trades employers, operating in all the Northeastern and Central States, also offered strikebreakers to its members. The Associated Industries of Cleveland, an association of employers limited to the Cleveland industrial area, stated that it had abandoned the practice of supplying strikebreakers. The prevalence of such guard or strikebreaking services among employer associations as a group will be fully considered in the committee's forthcoming report on employer associations.

SECTION 2. DETECTIVE AGENCIES FURNISHING STRIKE SERVICES

(A) ACCEPTANCE AND EXTENT OF STRIKE BUSINESS AMONG AGENCIES SUBPENAED BY THE COMMITTEE

Strike services accounted for a substantial portion of the income of the detective agencies which provided such services. In some cases the strike business was handled by a separate branch or subsidiary of the detective agency; in others it was carried on directly by the same personnel. In most cases the income derived from the guard or strike-

breaking services was segregated in a separate account.

National Corporation Service, Inc., an industrial detective agency formed in 1931 in Youngstown, Ohio, had an affiliated organization known as Allied Corporation Service, Inc., which, to quote the testimony of its secretary, was "an out-and-out strikebreaking organization and handled no other work but strikes." Allied Corporation Service was formed in March 1934, and its stockholders were E. E. MacGuffin, president of National Corporation Service; A. E. Lawson, secretary of National Corporation Service, and two other employees of National Corporation Service.<sup>2</sup> The distinction between the two corporations was more theoretical than real.3

<sup>1</sup> Pt. 1, p. 177, testimony of A. E. Lawson, secretary of National Corporation Service.

<sup>†</sup> Pt. 1, p. 177, testimony of A. E. Lawson, secretary of reasonan Corporation Service.

† Allied Corporation Service was liquidated in 1935, according to the testimony of E. E. MacGuffin (pt. 2, pp. 381-382). A. E. Lawson stated that it was still in existence in August 1936; liquidation being prevented by a recalcitrant stockholder (pt. 15-A, exhibit 1833, pp. 5451, 5452, affidavit of A. E. Lawson). According to A. E. Lawson, Allied Corporation Service was formed so that, in the event of the passage of Federal legislation against strikebreaking, it could be closed out, and the records of strike jobs destroyed (pt. 15-A, exhibit 1833, p. 5451; affidavit of A. E. Lawson).

Pay rolls of Allied Corporation Service show that it supplied both strikeguards and strikebreakers. The pay roll of the men it supplied during a strike at the Columbus Railway & Electric and Power Co., Columbus, Ohio, in April 1934 lists both watchmen and linemen. groundmen, cable splicers; and other employees. The pay roll of the strike at the Johnson Bronze Co. of New Castle, Pa., occurring a month later, shows that some of the names listed as linemen or other qualified employees in the earlier strike were then serving as "watch-

Figures for the total gross income of the Allied Corporation Service were impossible to obtain, so no financial comparison can be drawn between the strikebreaking and labor spy businesses of E. E. Mac-Guffin and his associates.

The W. J. Burns International Detective Agency, Inc., submitted fuller figures on the extent of its strike business. Mr. W. Sherman Burns testified that while the agency made a practice of furnishing guards in industrial disputes for the purpose of protecting-either property or strikebreakers, it did not "as a general policy furnish strikebreakers." 2

The committee found evidence of the furnishing of strikebreakers by the Burns agency in Pittsburgh in October 1935. According to the correspondence in the Burns agency files three operatives were sent to Pittsburgh as automobile mechanics to take the place of men on strike at the Hudson Automobile Co. in Pittsburgh.3 The correspondence indicates that the Pittsburgh office manager at least had had considerable prior experience in furnishing strikebreakers. ing the record as a whole, however, it does not indicate that any substantial income was derived by the Burns agency from furnishing strikebreakers.

The Burns agency submitted to the committee a break-down of its gross income for the years 1933 to 1936, inclusive. This breakdown indicated a total for the 4 years, of \$329,368.83 derived from the furnishing of industrial guards. The total business of the agency for this period grossed \$2,517,948.96.4 The interoffice correspondence of the Burns agency indicates that every effort was made to secure guard work during strikes. A letter from Raymond J. Burns to all office managers, dated August 1, 1933, reads in part as follows:

Also, a great many strikes are taking place and many more are contemplated, and in addition to undercover work there is a great field for furnishing guards to those organizations which are having labor disturbances. This work is very profitable inasmuch as it does not entail any substantial overhead expense.5

Similarly, on May 18, 1936, W. Sherman Burns writing to all offices, exhorted his subordinates to make an effort to secure guard work during strikes. This letter reads in part as follows:

There has recently been and no doubt will continue to be considerable industrial unrest, and although this agency does not furnish strikebreakers, we do handle undercover and guard work. The Principals feel that a number of the offices are not giving this potential business the proper attention, notwithstanding the fact that this type of business is the most lucrative in our line.

¹ Pt. 1, exhibit 186, p. 350 ff.
² Pt. 8, pp. 2808-≥809; exhibit 982, being rule 4274 in the Burns rule book.
² Pt. 8, p. 2813; pt. 8, exhibit 985, p. 3105.
² Pt. 8, pp. 2731-2732; pt. 8, exhibit 932, pp. 3065-3066.
² Pt. 8, exhibit 934, p. 3067.
² Pt. 8, exhibit 935, p. 3067.

The total income from industrial guards in 1936, according to the agency's figures, was \$155,908.35, an increase of about 266 percent over the previous year.<sup>1</sup> Figures submitted by the agency indicate that the New York City office of the Burns agency exceeded all other offices in the income derived from industrial guard work.2

The Burns agency, according to data submitted by it, made a

profit of approximately 100 percent on guard services.3

The Railway Audit & Inspection Co., as has been pointed out in a previous report, defied the legal authority of this committee, destroyed subpensed documents, and refused to appear and testify.4 As a result of this course of conduct, the committee was unable to make a thorough investigation of the character and extent of the strikebreaking services offered by the Railway Audit & Inspection It was, however, able, by piecing together torn scraps of paper recovered, under subpens, from the waste paper of the organization, to reconstruct some of the details of this phase of the agency's busi-In addition, the testimony of various strikebreakers and guards who had-been employed by the Railway Audit & Inspection Co. or its affiliates threw light on its activities in time of strike.

That the Railway Audit & Inspection Co. furnished both strikebreakers and guards is clearly established by two pieces of documentary evidence. One of these is a form of contract to be entered into by the detective agency and the guard or strikebreaker, which was recovered from the waste paper of the St. Louis office of the Railway Audit & Inspection Co. on August 12, 1936.5 This printed form is referred to in a letter from G. Eugene Ivey, manager of the Atlanta office of the organization, to W. H. Gray, a solicitor, dated September 21, 1935, indicating that the contract was in use by the organization at that time. This letter was also reconstructed from The contract, which is to be signed by torn fragments of paper. prospective guards or strikebreakers, reads in part as follows:

I understand that I am to take the place of former employees now on strike or to guard the property of a Corporation or Company where the employees are on strike.

This form of contract was not drawn up between the Railway Audit & Inspection Co. and the prospective employee, but between the Industrial Service Co. and the applicant. The Railway Audit & Inspection Co. had an affiliated organization known as the Pennsylvania Industrial Service Co. The committee was never able to ascertain exactly the financial and corporate relation of this latter agency to the Railway Audit & Inspection Co. itself. It is clear, however, from the above quoted documents that the Pennsylvania Industrial Service Co. handled strikebreaking business. There is also a possibility that some strikebreaking business was handled by the Railway Audit & Inspection Co. itself. Some of the professional strikebreakers or guards testified that they had been hired for strike jobs by the Railway Audit & Inspection Co.7 Other guards or strikebreakers testified that they had been hired by the Pennsylvania In-

<sup>&</sup>lt;sup>1</sup> Pt. 8, exhibit 932, p. 3065.

<sup>2</sup> Pt. 8, exhibit 932, p. 3066.

<sup>3</sup> Pt. 8, pp. 2733-2734; pt. 8, exhibit 936, pp. 3068-3070; pt. 8, exhibit 937, p. 3071.

<sup>4</sup> Report No. 46, pt. 3, p. 14. (See also pt. 1, p. 1 ft.)

<sup>4</sup> Pt. 15-A, exhibit 1648, p. 5258.

<sup>6</sup> Pt. 15-A, exhibit 1648, p. 5286.

<sup>7</sup> Pt. 1, pp. 117-118, testimony of E. J. McDade.

dustrial Service for strike jobs. From the agency's correspondence, it appears that the distinction between the two companies was not a

functional division, but, rather, a bookkeeping convenience.2

The history of the strikes in which it is known that the Railway Audit & Inspection Co. or the Pennsylvania Industrial Service furnished guards or strikebreakers reveals much concerning the character and extent of the strikebreaking business of this detective agency. No accurate figures are, however, available. These strikebreaking jobs, some of which will be discussed below, were remarkable for the bad character of the men shipped and employed and for the violence and bloodshed attending their employment.

The rules of Pinkerton's National Detective Agency, Inc., in force at the time of investigation, forbade acceptance of strike work except under severe limitations. In its general order No. 132, dated Decem-

ber 2, 1935, the agency's policy was stated as follows:

(a) This agency does not furnish its employes to any client for the exclusive purpose of providing workmen to take the place of client's striking employees, nor to physically protect employes at work or on the highways to and from work during a strike, nor to ride trucks, taxicabs or other vehicles on the highways for protection purposes while a labor strike is in progress. (See O 105, Sections under "Agency Services during Strikes" and "Patrolmen for Strikes").

(c) No deviation shall be made from the agency's rules without the permission of the general management having first been obtained and agency officials will not permit themselves to be swerved from the application of these rules by the exigencies of any situation or by the importunities of any client.4

There seems little doubt that the policy was carried out as stated as far as the provision of strikebreakers was concerned. The agency, however, did, under certain circumstances, undertake to provide guards during strikes. The limitations governing this service were set forth in order No. 105, which reads in part as follows:

#### 9. PATROLMEN FOR STRIKES

(a) Superintendents must not contract to furnish agency patrolmen to protect life or property in connection with strikes or other unusual disturbances, without authority through the supervising officials of the general management. (See Order 132, Section under "Property protection" and "Protection upon Public Highways".) It is the Agency's policy to avoid this class of business whenever possible, but it must not be done in an arbitrary way, particularly with important clients with whom the Agency must evidence—which is the fact—that the Agency wishes to do what is best for their and Agency's own interests. Agency representative should advise exhaustive efforts to obtain proper protection from local authorities, from police, sheriff or governor, before resorting to outside sources for protection, then must be considered what can be done under State Laws. Many states have passed laws restricting the guarding of property to residents or citizens of a County; other states extend this to citizens of the State, and it is expected of all Agency officials that they be familiar with the law of the States in which they operate with respect to the need to specially deputize Agency employees under these circumstances and the requirements thereof.

Further provisions in order No. 105 indicate that the Pinkerton agency imposed such restrictions on the acceptance of this type of

<sup>1</sup> Pt. 1, pp. 156-157, testimony of Jack Fisher.

† Pt. 1, pp. 156-157, testimony of Jack Fisher.

† Pt. 1, pp. 156-157, testimony of Jack Fisher.

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dustrial."

\* Pp. 41 ff. See also appendix C, pp. 183-195.

4 Pt. 15-B, exhibit 2613, pp. 6098-6099.

\* The agency's policy did not prohibit taking undercover work in time of strike, even if the spies had to pose as strikebreakers or guards. Ibid., p. 6100.

\* Pt. 15-B, exhibit 2613, p. 6070.

business through fear of incurring notoriety and unfavorable publicity because of the activity of its guards. For example, two paragraphs dealing with the restrictions under which such guard duty in time of strike might be accepted read as follows:

(f) An understanding must be had with the client and with others to whom knowledge of Agency's connection with the patrolmen is unavoidable that no publicity whatever shall be given to the Agency's employment.

(g) Agency patrolmen must be instructed with positiveness not to disclose their

Agency connection.

In addition, guards were forbidden to wear agency uniforms during strike situations and agency officials were instructed to secure the deputization of such guards as special police officers or deputy sheriffs.

Another consideration inducing the Pinkerton agency to limit its acceptance of this type of business was the fear of liability for injuries inflicted by its guards upon strikers or others. Order No. 105 forbade agency patrolmen to carry firearms. The use of tear gas was not forbidden to such Pinkerton guards but every attempt was made to impose upon the employer the liability for any injuries arising from the use thereof. The pertinent provisions of order No. 105 in regard to tear gas read as follows:

(5) Where it may be desired by the client to supplement protection equipment with gas projectors and gas bombs, the use thereof shall be limited to patrolmen selected by the Agency Superintendent for that purpose. Such patrolmen will be those who have had competent and full instructions in the use of gas equip-

ment and who shall be suitably located on the premises for this particular purpose.

(6) Should client authorize or direct that Agency patrolmen selected in accordance with the requirements of preceding subparagraph, project gas or throw gas bombs to repel rioters and trespassers or to eject persons by force from the premises under guard, an understanding must be had with the client, and the same written into the confirmation letter or a supplement thereto. that the client will indemnify the agency for costs and losses incurred as a result thereof.1

On the stand before the committee, Robert A. Pinkerton testified concerning the policy of the company in furnishing guards, as follows:

We furnish guards to protect life and property on private property when the property is not being operated, that is in labor disturbances if the plant is closed and not in operation.2

The further limitation stated by Mr. Pinkerton, that the agency would not provide guards if the employer were attempting to operate his plant during a strike, is not set forth in the order book. It may have been an innovation subsequent to the publication of the orders.

Even this limitation when applied did not eliminate the evils attendant upon the supplying of outsiders in industrial disputes. In 1934, four Pinkerton guards were sent to the Columbia Chemical Co. plant at Barberton, Ohio, which was then closed by a strike. record does not show that there were any employees or strikebreakers in the plant at that time. Robert H. Peterson, then assistant superintendent of the Cleveland office of the Pinkerton agency, testified concerning the incident. Shortly after his arrival he drew a gun on the pickets at the plant gate and was thereafter arrested with his colleagues and charged with carrying concealed weapons.

Pinkerton's National Detective Agency submitted to the committee an analysis of income received from its patrol or guard services

¹ Pt. 15-B, exhibit 2613, p. 6071. ² Pt. 2, p. 482. ² Pt. 5, pp. 1654-1661.

classified according to whether the service was rendered in time of strike or otherwise. Strike patrol work, according to this tabulation, in 1934 grossed \$79,708.54; in 1935, \$8,125.44; and in 1936, \$814.50. Income from patrol service other than that rendered under strike conditions in 1934 amounted to \$362,056.80; in 1935, \$387,002.90;

and in 1936, \$230,978.25.1

The rules and orders of the Pinkerton organization, considered together with these income figures, indicate that at least for the period under examination the Pinkerton agency was not anxious to secure strike business. It apparently preferred to place emphasis on its undercover work,2 which, being secret, created less antagonism, and to leave the business of strikebreaking to the other agencies in the It is noteworthy that even with this policy so clearly outlined the agency, as its order book indicates, was occasionally compelled to accede to the wishes of its clients and furnish such strike services despite its own disinclination to do so.

#### (B) OTHER AGENCIES FURNISHING STRIKE SERVICES

Other detective agencies engaged in the business of supplying strikeguards or strikebreakers came to the attention of the committee through its investigation of certain industrial companies that had employed them. The American Bridge Co., a subsidiary of the United States Steel Corporation, during its construction in 1931-32 of a portion of the Pulaski Skyway, a highway viaduct, from the Holland Tunnel, Jersey City, to the Hackensack River, N. J., engaged Foster's Industrial & Detective Bureau of New York City, to provide guards for its operations.3 Pursuant to its inflexible open-shop policy, the American Bridge Co. neither employed union men nor paid the union scale, and the members of the International Association of Bridge and Structural Iron Workers picketed the site of construction in protest. The guards were employed to protect the nonunion workers. The Foster agency, operated by one "Captain Foster" supplied guards not only to the American Bridge Co., but to the two other erection companies working on the viaduct and following the same open-shop policy.4

At the outset Foster supplied 100 to 110 guards to the American Bridge Co., and smaller numbers later, after they had been armed with pistols.6 He also provided an undercover service, consisting of seven spies in the union. His total bill to the American Bridge Co. for the period July 1931 to May 1932 was \$173,075.31.8 Mr. Foster, according to a letter from C. S. Garner, general manager of erection for the American Bridge Co., to L. A. Paddock, president of the American Bridge Co., was "highly recommended for his honesty, loyalty, etc., by the Commissioner of the National Erectors' Associa-

<sup>1</sup> Pt. 2, exhibit 306, pp. 603-664.

2 See report No. 46, pt. 3, of this committee.

3 Hearings on this subject are in pt. 7, pp. 2353-2405. For the activity of Foster's agency in the Remington Rand, Inc., strike in May and June, 1936, see pp. 119 ff.

4 See pt. 7, pp. 2377-2378, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2585; exhibit 779 at p. 2584.

4 Ibid.

6 Pt. 7, p. 2381, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, American Bridge Co., exhibit 783 at p. 2581, testimony of C. S. Garner, general manager of erection, and the control of C. S. Garner, general manager of erection, and the control of the control of C. S. Garner, general manager of erection, and

<sup>Pt. 7, p. 2381; testimony of C. S. Garner, and exhibit 787, p. 2588.
Pt. 7, p. 2382, testimony of C. S. Garner.; exhibit 779 at p. 2584. See also exhibit 783, at p. 2586.
Totaling items on exhibits 776-C-776-F, pp. 2574 ff., pt. 7, labor trouble account of the American Bridge</sup> 

tion, bankers, manufacturers, etc., in New York, New Jersey, and other places." One of his guards, a man twice indicted for felony, during a disturbance on the construction, shot and seriously injured a union member, and was indicted for assault with intent to kill.

There is no evidence to indicate that Captain Foster or his agency

furnished strikebreakers.

The R. C. A. Manufacturing Co. of Camden, N. J., engaged two detective agencies to furnish it with guards during its strike in Camden in June and July 1936.<sup>2</sup> The first of these was Sherwood's Detective Bureau of New York City, operated by Max Sherwood. Sherwood presented himself to officials of the company with a letter of endorsement from Gov. Harold O. Hoffman, of New Jersey, and offered to provide 200 State detectives. The men he furnished were. however, not only not State detectives, but of such undesirable character that the local authorities in Camden refused to deputize them.<sup>5</sup> Sherwood also offered to furnish 25 operatives who would set up a citizens' committee and turn public opinion against the strike.6 Because of Sherwood's failure to make good on his promise to provide State detectives, the company refused to utilize either his guards or his operatives. Solicitation literature of the Sherwood agency indicates that it supplied undercover service.8 There is nothing to show that it offered strikebreakers.

The company engaged and used approximately 300 guards from the Manning Industrial Service of Newark, N. J., operated by Tim Manning. Prior to the strike the Manning agency had an undercover operative in the Camden area, reporting for the benefit of the company. The Manning guards cost the company \$156,193 for the period of the strike, June 14, 1936, to August 7, 1936. 10 The company had no record or knowledge of the identity of any of these 300 guards. Mr. Manning refused to supply the committee with names or other data concerning them, and successfully avoided service of the committee's subpena. 11 There seems little doubt that some of the men he furnished had criminal records.<sup>12</sup> The record does not indicate that Manning offered strikebreakers.

In addition to these two agencies with which the RCA Manufacturing Co. had business dealings, there were a number of "agencies." "bureaus," or individuals who solicited its strike business.18 The letters or advertisements of some of these were fairly explicit. example, the Bergoff Industrial Service, Inc., of New York City, as might be expected, offered not only "protection" in the shape of

guards, but strikebreakers, in the following terms:

<sup>1</sup> Pt. 7, exhibit 783, pp. 2377, 2585.
2 For hearings on this subject see pt. 8, pp. 2877-2937.
3 Pt. 8, exhibit 1047, p. 2881, testimony of E. T. Cunningham, president of RCA Manufacturing Co.
4 Pt. 8, p. 2885, testimony of Robert Shannon, vice president in charge of manufacturing of the R. C. A.
Manufacturing Co.
4 Pt. 8, pp. 2886-2887, testimony of Robert Shannon.
5 Pt. 8, pp. 2886 ft., testimony of E. T. Cunningham.
7 Pt. 8, p. 2888 ff., testimony of Robert Shannon.
6 Pt. 8, p. 2888 ff., testimony of Robert Shannon.
7 Pt. 8, p. 2879, testimony of E. T. Cunningham.
9 Pt. 8, exhibit 1046-AA, p. 3170.
10 Pt. 8, exhibit 1053, pp. 2897-2898.
11 Pt. 8, exhibit 1053, pp. 2897-2898.
11 See pt. 8, p. 2915, testimony of John J. Robinson, chief investigator, RCA Manufacturing Co.; p. 2923, testimony of Edward Roy Heaton, one of the Manning guards.
12 Pt. 8, exhibit 1046-A-1046-CC, pp. 3151-3172, detective agency solicitation letters received by the RCA Manufacturing Co. in June and July 1936,

This department is equipped to supply all classes of workpeople to keep the wheels of industry moving when a peaceful settlement cannot be effected.

Bergoff also advertised a "propaganda department" to prevent strikes, composed of men of "unusual persuasive powers." His list of references included a number of important corporations all over the United States.2

The Saile Pierson Detective Service of Philadelphia, Pa., advertised both guards and strikebreakers. Its list of wares is imposing:

Strike Prevention Department.—This department is composed of men possessing natural leadership qualifications. Men of intelligence, courage and great persuasive powers, to counteract the evil influence of strike agitators and the radical element.

Undercover Department.—Our undercover department is composed of carefully selected male and female mechanics and workpeople. They furnish accurate information of the movements and contemplated actions of their fellow employees, "forewarned is forearmed."

Openshop Labor Department.—This department is composed of an organization equipped to supply all classes of competent mechanics and workpeople to keep

the wheels of industry moving during a strike.

Protection Department.—This department is composed of big disciplined men

with military or police experience, for the protection of life and property.

Investigation Department.—Our investigation department is international in ope and embraces all branches. The personnel is composed of male and female scope and embraces all branches. operatives of the highest calibre.

This agency, in its own words, "handled the strike of the drivers at the John Wanamaker Store" in Philadelphia in April 1936. Some 50 of the men supplied in that strike were rounded up by the Philadelphia police, and many were found to have criminal records.

Before the strike had begun an individual signing as "Gene Hamilton" wrote to the RCA Manufacturing Co. from Philadelphia,

stating:

Two of my Lieutenants with years of strike activity in back of them, have subject to their immediate call picked men by the hundreds available for any strike, patrol or guard duty.

Every detail of course to be handled by me-Hiring, firing, supervising the patroling, guarding, escorting, housing, feeding, shadowing, under cover, and

special squads.

Similarly, on June 25, Capt. N. S. Shaw, "Coast to Coast, Industrial Engineers-Special Agents," in New York City, who was engaged by the Remington Rand Co. in its then current strike," wrote the company that a telephone call would "bring me to you at once with plenty of real action and a complete personnel to fill your every expectation." His stationery bore the statement, "Municipal and Private Protection Staffs Organized and Supervised—Largest Staff of Experienced Labor Adjusters in the U.S. A." 8

Pt. 8, exhibit 1046-M-1, p. 3159. The services rendered by the Bergoff agency in the Remington Rand strike are recounted below, ch. 6, sec. 2a. For activities of the Bergoff agency prior to 1933, see above, ch. I. Ibid.

<sup>\*</sup> Ibid.

\* Pt. 8, exhibit 1046-G-1, p. 3155.

\* Pt. 8, exhibit 1046-G-1, p. 3155.

\* Preliminary hearings on S. R. 266, pp. 175-176, testimony of M. Herbert Syme, assistant city solicitor in charge of Labor Relations, Philadelphia, Pa. (See also libid., pp. 165-166. See further, Pt. 15-A, exhibit 2226, p. 5753, Burns agency interoffice correspondence, indicating that the Salles agency was recruiting strike-breakers for this strike, and the Burns agency was unable to get the business.)

\* Pt. 8, exhibit 1046-N, p. 3163.

\* See p. 118.

\* Pt. 8, exhibit 1046-P, pp. 3163-3164. For an account of N. S. Shaw, known as "Crying Nat" Shaw, an ex-Bergoff lieutenant, see Edward Levinson, "I Break Strikes" (Robert M. McBride & Company, New York, 1935), p. 258.

H. C. Cummings, operating as the Manufacturers Association of Berks County, the Universal Service of Pennsylvania, the Universal Service of New Jersey, Inc., or simply under his own name, advised the company that he had handled "some very difficult and large scale operations." Similar indirection was observed by Washington Detective Bureau in its solicitation of the strike business.<sup>2</sup>

Altogether, the RCA Manufacturing Co. received advertisements, phone calls, or letters of solicitation from 17 so-called detective agencies or bureaus, bidding for strike business.<sup>3</sup> The two agencies employed recruited 500 men on short notice. The claims of the others to be able to mobilize industrial partisans in similar fashion must in part be discounted, but it is not safe to assume that they were entirely

false.

The experience of the RCA Manufacturing Co. is typical of the average industrial corporation confronted with labor trouble. similar file of letters of solicitation from detective agencies was turned over to the committee by the Republic Steel Corporation. letters cover the period from July 1933 to July 1937, and include communications from 24 different agencies. There is nothing to show that Republic engaged any of them, but they were all referred to J. L. Williams, superintendent of police, and his standard acknowledgment, after stating that the corporation maintained a "police and industrial relations department of its own," often offers an invitation to call and "exchange notes of mutual benefit."

Of these agencies, 14 offered strike services. One of the 14 was Foster's agency, which while it made no mention of strike services, is known to engage principally in strike work. Of the 14, 2 also mentioned espionage services in their letters. The other 10 referred only to their espionage service, or to other covertly described antilabor

practices.

The Bergoff agency was recommended to the Republic Steel Corporation by the Remington Rand Co. in a letter of July 14, 1936, which refers to the recent strike of the latter company. Similarly, a representative of the RCA Manufacturing Co. wrote recommending the Manning agency of Newark, and asserting that the services it rendered in the Camden strike in June 1936 were "quite satisfactory."

Bergoff and Manning were the only agencies included in this correspondence which are also among those writing to the RCA Manufac-Among those writing to Republic and offering strike turing Co. services were Dan H. Boyle & Co., of Cleveland, Ohio, on July 3, 1936; the Val O'Farrell Detective Agency, Inc., of New York City, on July 10, 1936; the Karl Detective Agency, Karl F. Schmidt, proprietor, of Ashtabula, Ohio, on June 16, 1937, during the Little Steel strike; the Industrial & Railway Service Bureau, of Brooklyn, N. Y., on July 20, 1935; the Industrial Service Co., Inc., of Pittsburgh, Pa., T. R. Roberts, proprietor, in June 1934; Waddell & Gibbons, of Chi-

<sup>1</sup> Pt. 8, exhibit 1046-H to 1046-J, pp. 3156-3158. H. C. Cummings was formerly an employee of the Railway Audit & Inspection Co., operating principally in the hosiery field in and around Philadelphia and Reading, Pa. He later set up his own agency, offering both espionage and guard service. (See preliminary hearings on S. Res. 266, pp. 73, 161, 200-220.)

Pt. 8, exhibit 1046-L, p. 3158-3172.

Pt. 25, exhibit 1046, pp. 3151-3172.

Pt. 25, exhibit 4491, p. 10803.

See p. 25.

For further information on this agency, see p. 111.

cago, on June 7, 1934; the Northern Ohio Detective Agency, of Cleveland, Ohio, on May 25, 1934; and the Eagle Industrial Associates, of New York City, George Williams, proprietor, on May 23, 1934. All these agencies offered guards or strikebreakers or both; some of them pointed to long careers in the strikebreaking business. Others appeared to have been newcomers in the field. The William A. Martin peared to have been newcomers in the field. Detective Agency, writing to Mr. Girdler in March 1937, about the time the United States Steel Corporation signed a contract with the Steel Workers Organizing Committee, says only:

Shades of Carnegie and Frick. If can offer you a service contact me through the above. (Signed) Spike.

From such letters of solicitation it is possible to conclude that there exists today a considerable group of persons and firms holding themselves out to supply outsiders in industrial disputes. of an impending strike not only finds the larger and well-established detective agencies equipped for strike service, but evokes a response from numbers of fly-by-night strikebreaking agencies, and veteran strikebreakers, all promising to supply strikebreakers or guards. The files show that this latter class of individuals and firms varies from year to year, changing firm names and office addresses. These are the professional "finks" striving to set up in business for themselves. They maintain their connections with the floating population which supplies the strikeguard and the strikebreaker, and which will be examined more fully in chapter IV of this report. As a threat to industrial peace they are not to be disregarded.

#### SECTION 3. EMPLOYER ASSOCIATIONS FURNISHING STRIKE SERVICES

Employers' associations whose purpose it is to maintain a united front against the unionization of their members' plants are naturally concerned with strikes in such plants. Consequently many of them maintain services for providing guards or strikebreakers. Their concern for strikes is not always limited to their membership, but may extend to other firms where unionization constitutes a threat to the maintenance of their own policy. Consequently, the strike services which they maintain are sometimes made available to nonmembers. In some of the instances examined the recruiting of strikebreakers or guards was delegated by the employers' association to detective agencies.

#### (A) NATIONAL METAL TRADES ASSOCIATION

The National Metal Trades Association, an association of 952 manufacturers of metal trades products,2 with plants located in the industrial centers in the Northern States east of the Mississippi, was examined by the committee on January 21, 22, and 23, 1937. Companies having union agreements were not admitted to membership in this association.4 The bylaws of this association provided that each mem-

<sup>1</sup> The George Williams agency of New York City was found to have supplied strikebreakers during the coal strikes in West Virginia in 1912; 63d Cong., 1st sees. Senate. Subcommittee of the Committee on Education and Labor. Conditions in the Paint Creek District, W. Va. Hearings pursuant to S. Res. 37, pp. 694-744. For the recent activities of George Williams, see p. 113.

3 As of Jan. 15, 1937. Pt. 3, p. 811, testimony of Homer D. Sayre, commissioner of the National Metal Trades Association.

Trades Association.

\* Hearings on this subject are in pt. 3, pp. 809-952, with additional exhibits in pt. 15-A, pp. 5469-5522.

\* Pt. 3, pp. 900-903, testimony of Homer D. Sayre; exhibit 441, p. 902.

ber, "in case of a disagreement with employees or in case a demand is made by them which is likely to lead to collective action on their part," must communicate with the association. Upon approval of the member's stand by the governing body of the association, the association assumed complete control and direction of the strike situation.2

Assumption of the defense of a strike by the association carried with it the surrender of the employer's control over his own labor policy. The governing body of the association laid down the terms for settlement, and any deviation therefrom exposed the employer to expulsion from the association. Section 7 of article XIII of the constitution read as follows:

Penalty for Settling Without Approval of Administrative Council.—If, without the consent of the Administrative Council, a member shall settle a difference or strike, the defense of which has been assumed by the Association, such member shall repay to the Association all the moneys which the Association may have expended on account of having assumed defense of such difference or strike, and shall also be liable to suspension or expulsion.3

The resources of the whole association could be thrown into the strike. It stood ready to "assist in procuring workers to replace the strikers" to the extent of seven-tenths of the number of striking employees. The association paid the cost of recruiting and transporting the strikebreakers as well as the cost of housing and feeding them in the plant, if that were necessary. Their wages were to be paid by the employer, but the association apparently paid bonuses or extra compensation. The association also recruited, transported, and supervised guards in such numbers as it deemed necessary, paying all their expenses and wages.8 It maintained a card file of available guards.9 Strikebreakers were recruited through the branch offices of the association.<sup>10</sup>

The strikebreaking expenses of the association were paid out of its "defense fund," established to defray its undercover and strike-breaking work and the salaries of its officials engaged on such work." This fund was sustained by dues from members, assessed on the basis of the number of metal-working employees hired by each member. 12 At the end of 1936 this fund contained a surplus of \$214,928.53.13

The strikebreaking activities of the association were handled by O. R. Abbott, of the association's Chicago office, and L. A. Stringham, of its New York office.14 Mr. Stringham also supervised the wide-

<sup>1</sup> Pt. 3, exhibit 389, p. 1009, constitution and bylaws.
2 Pt. 3, exhibit 389, p. 1007, constitution and bylaws, constitution, art. XIII, strikes and lockouts.
3 Pt. 3, exhibit 389, p. 1007. See also art. XIII, sec. 6, providing that no men ber shall adjust a strike in violation of the constitution or the principles of the association as set forth in its declaration of principles.

Pt. 3, exhibit 389, p. 1007, constitution, art. XIII, sec. 3. Pt. 3, p. 848, testimony of Homer D. Sayre.

Ibid.

<sup>Ibid.
Pt. 15-A, exhibit 1883, pp. 5495-5496.
Pt. 3, p. 848, testimony of Homer D. Sayre.
Printed as exhibit 392, pt. 3, p. 1011.
Pt. 3, exhibit 442, p. 904, p. 1068, at p. 1074, decision of National Labor Relations Board, in the matter of S. L. Allen & Co., Inc., May 13, 1936; exhibit 445, p. 1079, National Metal Trades Association report on S. L. Allen strike.
Defense fund established by art. VIII of the constitution, pt. 3, exhibit 289, p. 1006.
The rate was 20 cents per month for each metal worker employed. Pt. 3, p. 814, testimony of Homer D. Sayre.</sup> 

Sayre.

Balance sheets of National Metal Trades Association, pt. 3, exhibit 399, facing p. 1040. 14 Pt. 3, p. 849, testimony of H. D. Sayre.

spread labor espionage network of the association.1 These officials went to the struck plant, supervising the situation in conjunction with plant officials. They had direct contact with the guards. On some occasions, when a large number of guards was required, they arranged with detective agencies to supplement their supply.3

The strikebreaking and espionage business handled by these two officials of the association was frequently made available to firms not members of the association but confronted with labor disputes. It occasionally furnished strikebreakers and guards to nonmembers. In such cases the firm involved would foot the bill in full. If the strike was concluded on the employers' terms, the firm would be admitted to membership.4 In these cases, the association differed in only one respect from the run-of-the-mine detective agency engaged in antiunion work. Its participation was based not on purely commercial motives, but also on the desire of its members to protect the fringes of its antiunion dominion from encroachment. The existence of its espionage and strikebreaking departments, with an available personnel of spies, guards, and strikebreakers, enabled it to carry its campaign against union organization beyond its own confines.

#### (B) ASSOCIATED INDUSTRIES OF CLEVELAND

The Associated Industries of Cleveland presented an example of the local open-shop employers' association, embracing diverse industries in a given area, and furnishing a regular strikeguarding

clustries in a given area, and lurinishing a regular strikeguarding

1 Ibid. See this committee's labor espionage report, Report No. 46, pt. 3, p. 19, for a description of the
spy system of the National Metal Trades Association.

7 Pt. 15-A, exhibits 1885-1890, pp. 5497-5500, Mr. Stringham's reports on his activities in strike situations.

3 Pt. 3, p. 851, testimony of L. A. Stringham concerning Black & Decker strike, Kent, Ohio.

4 E. g. Columbian Stamping & Enameling Co. of Terre Haute, Ind., pt. 3, p. 852, testimony of O. R.
Abbott; S. L. Allen Co. of Philadelphia, Pa., ibid., pp. 903-904, testimony of L. A. Stringham and H. D.

8 Alleged abandonment of strike services by the National Metal Trades Association.

Under date of September 29, 1937, Mr. H. D. Sayre wrote to the committee that the association "decided, in the early part of 1937, to discontinue all undercover or surveillance service, all furnishing of quards, and all furnishing of employees to take the place of strikers, and pursuant to this policy all these services have been discontinued." (Pt. 15-A, exhibit 1903, p. 5513.) Mr. Sayre also stated that the constitution and bylaws had been amended in accordance with this change.

An examination of the new constitution and bylaws (pt. 15-A, exhibit 1905, p. 5514 ff.) reveals that article XIII of the constitution; frequently quoted from above, and formerly entitled "Strikes and Lockouts" is now headed "Ald to Members" and has been reduced to the single ambiguous sentence, "the association shall give to its members counsel, advice and assistance," Article VIII of the constitution, setting up the defense fund "for defense purposes", remains unchanged. Article III of the bylaws "How a Member Shall Proceed in Case of Strike" is the samo in the new version. The most significant clause in this article is sec. 3 which reads: "Authorized relief expenses shall be paid out of and charged to the defense fund." If the association has in fact abandoned its esplonage and strikebreaking services, there would seem to

to the members.

On May 26, 1937, the administrative council of the association passed a resolution empowering the Commissioner and other officers to make changes in procedure because "Certain of the policies of the association with respect to the operation of undercover service and strikebreaking service and instructions to the Commissioner concerning these services have been abandoned." (Pt. 15-A, exhibit 1904, p. 5514.) The resolution did not state that the espionage and strikebreaking services themselves had been abandoned, nor what "policies" were referred to. On the whole, the resolution is ambiguous.

An opinion rendered by Guy T. Helvering, Commissioner, Bureau of Internal Revenue, to the Collector of Internal Revenue, Chicago, Ill., April 26, 1938, concerning the taxability of the association's income, reveals that the association carried on its strikebreaking services during its fiscal year ending February 28, 1938.

The committee can accept neither the resolution nor the new constitution and bylaws as conclusive proof that the association has in practice abolished its undercover and strikebreaking services.

service to its members. The Associated Industries had about 500 members at the time of its examination before the committee, all in the Cleveland area.2

The Associated Industries of Cleveland described its aims and services in a pamphlet issued by it in 1933 or 1932, which contains

the following passage:

If an unjustified walkout does occur in a member plant even though every possible precaution has been used, the Association, if requested to do so, at once assumes complete charge of the situation. The Association's ability to supply skilled labor in all crafts is frequently sufficient to enable the employer to keep his plant in operation despite the defections resulting from closed shop agitation.

Unlike the National Metal Trades Association, the Associated Industries apparently imposed no penalties on members refusing to follow the association's advice and policy in dealing with strikes. Neither were any expenses for fighting strikes charged to the Associated Industries. All charges were borne by the affected employer. William Frew Long, general manager of the Associated Indus-

tries, testified that the employment department maintained by the association had furnished strikebreakers in the past, but that in recent years there had been few occasions for such service.5 Pertinent portions of his testimony are as follows:

I might say that in all of the strikes that we have handled, during the last several years, I don't recall of supplying men to take the place of the strikers, because in almost every instance plants, for a long time, have been started by those of the employees who wished to work, and that has been really the technique, if I might call it that, Senator, today, of the fighting of strikes.

What you have called here as a "back-to-work" movement, that has been more

the thing, because these strikebreakers after all did more damage, not being

experienced, than they did good, to machinery and so on and so forth.

The association, he further testified, had little to do with back-towork movements, beyond advising the employer to initiate them.7

On the other hand, the association had continued, up to the date of the investigation, its practice of supplying strikeguards to members. Here again, the cost was borne, not by the association, but by the employer. The association recruited the men, and in many cases supervised their activities on the job. Mr. Long's testimony with reference to the recruiting of guards may be given in full:

What I mean is, that we never supplied any guards in any case where we were paid for it. The company might phone in and say. "We have got a strike, we would like to have a half a dozen guards" and in that case, guards were procured and sent out, but they were placed on the company's payroll and never on ours.

For hearings on the Associated Industries of Cleveland, see pts. 20-22, inclusive, Mar. 29, 1938, to Apr 14, 1938.

3 Pt. 20, p. 8758, testimony of William Frew Long, general manager of the Associated Industries of Cleve-

land.

§ Pt. 20, pp. 894 ff, exhibit 4070, pt. 20, p. 8773 ff, testimony of William Frew Long.

§ With the exception that some employer groups formed within the association pooled funds to combat unionism, pt. 20, pp. 8833-8835, testimony of Mr. Long.

§ Cf. Thompson Products, Inc., where, apparently strikebreakers were supplied.

Compare, however, the testimony of Frank Marquard and Ben Gross, strike lieutenants under the direction of the Associated Industries, concerning their activities in the strike at Thompson Products, Inc., in Cleveland, in February of 1935. (Pt. 22, p. 9364 ff.) Marquard and Gross were directed by Mr. John H. Walker, of Associated Industries, to take charge of a large group of men who appear to have been not guards, but strikebreakers, and who assembled in a downtown section of Cleveland. There is a strong inference that the Associated Industries may have had something to do with recruiting these men. See also supplementary exhibits on Associated Industries; exhibit 5874, affidavit of John R. Cox, director of manufacturing of Thompson Products, Inc.

§ Pt. 20, p. 8786.



Near the location of our office, there, Euclid and Ninth Street, those men have a hang-out, as you would call it, and in addition to that, as soon as there is in the paper—I presume it is true everywhere—news of a strike, those fellows just go out there in hordes, wanting a job as guard, so it is no trouble to get guards at all.

We don't have any, Senator, in other words, that are on our payroll, that we hire to the companies and make any profit on, or anything of that sort.

In practice, the strike activities of the association were handled by one official, John H. Walker. Under him were men who served as lieutenants, usually guards themselves, and with wide acquaintance among the floating population that offered itself for guard duty. These lieutenants would recruit the men and pay them their wages, which were received from the companies involved.3 The lieutenants were not themselves on the pay roll of the Associated Industries, but received their compensation from the companies. None of the financial transactions involved appeared on the known books of the In some strikes, Mr. Walker took personal command. association. remaining on the scene, or in the plant, and supervising the guards.

Like the National Metal Trades Association, the Associated Industries of Cleveland would supply strikeguards to firms which were not In Cleveland, the Associated Industries supplied guards to the Great Atlantic & Pacific Tea Co. stores during a strike in May 1936, at the request of the chamber of commerce. On another occasion guards were sent by the Associated Industries to the Hookless Fastener Co. plant at Meadville, Pa., a distance of 105 miles from Cleveland. Long experience in furnishing guards apparently made the association a sort of clearing house, or intermediary between the guard underworld at Ninth and Euclid Streets and employers not members of the association.8 The association itself does not appear to have made any profit or incurred any expense in these transactions.

That the employer associations not examined by the committee may have engaged in providing strikeguards or strikebreakers was indicated in the correspondence of certain of the detective agencies investigated. For example, the Burns agency's manager in Minneapolis, Minn., appears to have found the Citizens Alliance of Minneapolis a potential competitor in both the espionage and strikeguarding field. For the most part, however, the employer associations figure in the interoffice correspondence of the detective agencies as possible markets for strikebreaking services.10

<sup>1</sup> Pt. 20 p. 8786. <sup>1</sup> Pt. 22, p. 9358, testimony of John H. Walker. Ft. 22, pp. 9365-9366, testimony of Paul Meggart and John H. Walker. Pt. 22, pp. 9384ff, testimony of Frank Marquard, Charles Adams, and Benny Gross, strikeguards and lieutenants.

<sup>1</sup> Pt. 22, pp. 9358ff, testimony of Frank Marquard and Benny Gross, who served as strike lieutenants for Walker, and Paul Meggart, a guard.

<sup>4</sup> Ibid

<sup>\*</sup>As in the strike at the Ohio Rubber Co., Willoughby, Ohio, pt. 21, pp. 9261ff, testimony of John H. Walker. Pt. 21, p. 9251, testimony of union officers. Also at the Chase Brass & Copper Co., April 1934, pt. 22, pp. 9384ff, testimony of Frank Marquard. At the strike of the Statler Hotel, September 1936, where Mr. Long was also present, at times: Pt. 22, p. 9380, testimony of John H. Walker, p. 9381, testimony of William Frew Long.

William Frew Long.

Pt. 22, p. 9387; testimony of Charles Adams, Benny Gross, and William Frew Long, and pt. 22, p. 9465, exhibit 4256,.

Pt. 22, 9388 ff., testimony of Frank Marquard and William Frew Long.

Pt. 20, 8786, testimony of William Frew Long.

Pt. 15-A, pp. 5623-5624.

Bee pt. 15-A, exhibit 2174, p. 5719, Waterfront Employers Association of San Francisco; Ibid., exhibit 2026, p. 5607, Chicago Association of Restaurateurs; Ibid., p. 5318-5322, Southern Garment Manufacturers' Association; Ibid, exhibits 2119-2121, p. 5661, Citizens' Advisory Committee of Minneapolis.

## SECTION 4. RELATION BETWEEN ESPIONAGE AND STRIKEBREAKING SERVICES

Peculiar significance attaches to the fact that all of the principal detective agencies discussed above which provide guards or strikebreakers are also engaged in the business of furnishing industrial undercover informants. It appears that this is true as well of some of the less well-established agencies whose literature reached the officials of the RCA Manufacturing Co. during that company's strike in June 1936, and the offices of the Republic Steel Corporation. Similarly, the National Metal Trades Association coupled its strikebreaking service with a complete and expert labor spy-service. Associated Industries of Cleveland, at the time of its examination by the committee, did not, apparently, have labor spies on its own pay roll or under its immediate direction, but it had had such undercover informants in the past, and it still maintained peculiarly intimate relations with a detective agency engaged in labor espionage which serviced a number of its members.1

Such figures for the income of the detective agencies as the committee was able to obtain reveal no fixed proportion between these two types of industrial service. In the Pinkerton agency as has already been noted, the industrial guard service was minimized and the income derived from that service is only a small fraction of the income derived from industrial undercover work.2 In 1934, on the Pinkerton books, "Industrial patrol service" grossed \$79,708.54, which was less than 10 percent of gross income received from "Industrial undercover service," which totaled \$933,298.60. In the succeeding years under examination the percentage fell to an even smaller figure. On the other hand, figures for the Burns agency revealed that the industrial-guard business exceeded the income from industrial espionage.3 Totals compiled by the committee from data furnished by the Burns agency show the following comparison:

Year	Undercover industrial	Industrial guards
1934	\$38, 748, 04	\$82, 943, 97
1935	31, 982, 12	58, 657, 81
1936	38, 144, 54	4 155 909, 35

The committee sent a questionnaire to a selected list of industrial detective agencies, inquiring, among other things, into the relative proportions of their industrial business in the espionage and strikebreaking fields. The returns to this questionnaire are in many cases unreliable and no definite statistical conclusions may be drawn. is significant, however, that only four agencies reported that they received their entire income in any one year for the service of supply-

See pt. 22, pp. 9623-9727, "Analysis of Certain Books and Records of the Associated Industries of Cleveland, With Reference to Industrial Undercover Work," and also the reply of William Frew Long thereto. Further discussion of the industrial espionage activities of the Associated Industries of Cleveland will be found in the committee's report on Employers' Associations.

1 Pt. 2, exhibit 336, pp. 663-664.

1 Pt. 8, exhibit 332, pp. 3065-3066.

4 Pt. 8, exhibit 932, p. 3065.

ing guards, watchmen, or strikebreakers.1 Experience of the American Bridge Co. with the Foster agency indicates that even those agencies which engage principally in the furnishing of guards find it convenient or profitable to maintain a collateral undercover service. This interconnection and close relationship between industrial espionage and the business of supplying guards and strikebreakers is not fortuitous, but springs from the inherent nature of the work. agencies conceive of themselves as offering to the employer a complete industrial service. That is, they stand ready to supply him with all the weapons he may need in his fight against unionism, whether there be a strike or not. This, at least from the business standpoint, is the ideal of the detective agency.

The effect of this combination of espionage and strikebreaking services is clearly shown in the strikes examined by the committee. four out of the five examples of strikebreaking service examined in Chapter III of this report, industrial espionage preceded the strike. In two of these, labor spies were supplied by the same agency that later furnished the strikeguards. In the other two, spies were supplied by a detective agency which was closely allied with the employers' association recruiting the strikeguards. Spies precede strikes; strikeguards and strikebreakers accompany them. The connection between the two forms of service is convenient for the employer who wishes to destroy a union, and therefore lucrative for the agency that

supplies them.

In addition, the class of men willing to serve on strike duty is not averse in many cases to acting as labor spies. Several striking examples of the versatile detective agency employee who can act as a strike lieutenant, a hooker,2 or even a labor spy, testified before the com-C. M. (Red) Kuhl, a former employee of the National Corporation Service and the Railway Audit & Inspection Co., had had supervision of strikeguards in a number of strikes and was as well an accomplished "hooker." At times he served as agent provocateur or spy in strike situations.4 Harold Vargo, who testified during the "Little Steel" hearing, had been employed as a labor spy in Youngstown, Ohio, by the Republic Steel Corporation and had risen to become the financial secretary of the local of the Steel Workers Organizing Committee there. He had also by his own account acted as a strikebreaker during the strike at the Yellow Cab Co. in Cleveland in 1935. He listed as strikebreaking jobs he had worked on, the Columbus Railway Power & Light Co., Columbus, Ohio, the Johnson Bronze Co. in New Castle, Pa., 6 the Standard Oil Co. in Cleveland, and

¹ These agencies were as follows: Addis Detective Agency, Philadelphia, Pa., 1933, entire income of \$11,000, from supplying guards, watchmen or strikebreakers; O'Connell Detective Agency, New York City, 1934, entire income of \$8,266.98 from same source; in 1935 and 1936 this agency reported that over 90 percent of its income was from this source; in 1936 its total income was \$129,592.62; James J. Quinn Detective Service, Newark, N. J., 1936, total income \$15,902.22, from supplying guards; Star Employment and Commissary Co., Pittsburgh, Pa., 1934, entire income \$11,420, in 1935 \$9,075 was derived from supplying strikebreakers. (The Star Employment Co. is Harry Black, ex-Railway Audit & Inspection Co. fink. See below, appendix C, p. 184.)

¹ See report of the committee, No. 46, pt. 3, on industrial espionage in glossary for definition of a "hooker"; also pp. 50-54 thereof for a description of the process of "hooking."

² Pt. 1, pp. 196-210. testimony of C. M. Kuhl.

¹ Ibid, pp. 204. 208-209.

¹ Pt. 26, July 27-28, 1938, pp. 10907-10916, testimony of Harold Frederick Vargo.

⁶ Pt. 1, Exhibit 185-186, p. 348 ff. These exhibits are the Allied Corporation Service pay rolls on these jobs and show the name of Harold Vargo.

the National Screw & Manufacturing Co. in Cleveland. Mr. Vargo stated that he had worked as a guard for the Railway Audit & Inspection Co. He said that he had never worked as an undercover man for a detective agency, and his testimony indicates that his spy services were generally rendered directly to the company involved.

While such versatile figures are comparatively rare,2 they serve to illuminate in striking fashion the true character of the detective agency business and the similarity in intent and purpose between its espionage

and strikebreaking services.

### SECTION 5. RELATION BETWEEN INDUSTRIAL MUNITIONING AND STRIKE-BREAKING SERVICES

Since the business of the detective and strikebreaking agencies is industrial warfare, it is natural that they should take an interest in the business of industrial munitioning. Of late years, a newly developed weapon, specially adapted to industrial strife, has been offered to the employer. It is gas, of lachrymating or vomiting properties, and it is purveyed in the form of bombs, grenades, canisters, and long and short range shells, cartridges, and even gas machine guns. firms which make and sell this weapon have formed profitable con-

nections with the agencies which supply the men who use it.3

The president of the Railway Audit & Inspection Co., W. W. Groves, was a shareholder in, and a member of the board of directors of Federal Laboratories, Inc., the largest seller of tear and vomiting gas and gas equipment and submachine guns in the country. The Railway Audit & Inspection Co., through its Atlanta, Ga., and New Orleans, La., offices, served as sales agents for Federal Laboratories, Inc., for several years from January 1, 1933. Between January 1, 1933 and January 1, 1936, the Railway Audit & Inspection Co. made sales of \$71,830.07 of Federal Laboratories products. Subsequent to that time, commissions. to the detective agency were concealed on the books of Federal Laboratories, but the arrangement continued, at least in the case of the New Orleans office.

That this traffic in tear gas and other weapons was allied to the business of supplying men in industrial disputes was made abundantly clear by the testimony of G. Eugene Ivey, manager of the Atlanta office of the Railway Audit & Inspection Co. Mr. Ivey also acted as district manager for the Federal Laboratories, Inc., in Atlanta. His testimony was as follows:

Senator La Follette. How long were you district manager for them?

Mr. IVEY. Only during the time that——
Senator La Follette (interposing). That you made this sale?

Mr. IVEY. Only during the time that the Railway Audit Co. represented Federal Laboratories.

Senator LA FOLLETTE. And how long was that?

Mr. IVEY. I believe about a year and a half.

Senator LA FOLLETTE. And during that time you were running the Federal

Laboratories' business and the Railway Audit & Inspection Co.'s business at the same time?

Pt. 26, pp. 10932-10933, testimony of Harold Vargo.
 Charles Smith, labor spy and strike lieutenant for Railway Audit & Inspection in New York City, is another example. His testimony appears in pt. 1, p. 105 ff.
 This subject will be treated fully in the committee's report on industrial munitioning.
 Pt. 7, p. 2476, testimony of John W. Young, president of Federal Laboratories, Inc.
 Pt. 7, pp. 2476, 2483, testimony of John W. Young.

Mr. IVEY. Well, it was all one. Senator LA FOLLETTE. Out of the Atlanta office? Mr. Ivey. Well, it was all one. Senator La Follette. It was all one? Mr. IVEY. Yes, sir.1

The violent methods employed by the Railway Audit & Inspection Co. in its strike work offered lucrative opportunities to the tear gas firm. In its sales literature, Federal Laboratories quoted a testi-monial of Charles "Whitey" Williams, also known as the "Boilermaker," notorious strike lieutenant for the Railway Audit & Inspection Co., concerning the use of its tear gas in the strike at the New Orleans Public Service, Inc., in 1929, where more than a thousand strikebreakers were employed.3 In the strike of longshoremen at Lake Charles, La., in October 1935, Railway Audit supplied some 60 strike guards, and sold \$1,965.50 of gas and machine guns for Federal Laboratories, and three men were killed.4

The O'Neil Industrial Service of Detroit, Paul H. Kilian, president, became sales agent for the Lake Erie Chemical Co., a competitor of Federal Laboratories, Inc. Mr. Kilian's chief activity seems to have been labor espionage, but he found that the Lake Erie material "ties up nicely with our line of business." 5 His solicitors found it apropos to discuss tear gas and labor spies in the same interview. He writes to the tear gas company on August 30, 1932:

In other words where we used to go into a manufacturer and talk our service we now talk service and gas. 6

At the time this committee's investigation began, Mr. Kilian had a considerable quantity of Lake Erie tear gas and equipment in his office, which he immediately became eager to conceal or dispose of. Anticipating a call by committee investigators, he wrote to the teargas company on July 1, 1936:

I might say that it is important for both yourselves and ourselves that we get this material out of our office. I do not know just what is going to happen or when, and neither does anybody else, but, according to Senate resolution No. 266 passed the last day Congress was in session, an investigation is to be launched in the interests of the American Federation of Labor with the view of acquiring

all facts pertaining to our type of business.

\* \* Your name would probably be brought into the picture, and perhaps you would not like that. They would, no doubt, have much to say about how we are all lined up with the munitions manufacturers in defeating the aims of the Administration insofarasits plans of the unionization of all workers are concerned.

Another agency involved in the tear-gas trade was the National Corporation Service, whose president, E. E. MacGuffin, took a commission of \$373.60 on the tear gas sold by the Lake Erie Chemical Co. to the Columbian Enameling & Stamping Co. of Terre Haute, Ind., during its strike in July 1935.8 MacGuffin had sold \$4,000 worth of spy and other service to this concern.9

<sup>1</sup> Pt. 1, p. 79.

2 For his strike record, see p. 75.

3 Pt. 15-D, exhibit 3049, p. 7052.

4 For detailed description of this incident, see p. 55.

4 Pt. 15-D, exhibit 3714, p. 7187, letter of Kilian to A. S. Ailes.

5 Ibid, p. 7186.

7 Pt. 15-D, exhibit 3724, pp. 7195, 7196.

8 Pt. 2, pp. 382-385, testimony of E. E. MacGuffin; pp. 400-402, testimony of A. S. Ailes, vice president of Lake Eric Chemical Co.; exhibit 189, p. 383; exhibit 190, p. 565; exhibit 210, p. 594; exhibit 211, p. 595.

9 Pt. 1, exhibit 184, p. 345.

Most of the detective agencies are customers of the munitions firms, and receive favorable discounts.

## SECTION 6. PROPAGANDA AS A PART OF PRESENT DAY STRIKEBREAKING SERVICES

The solicitation literature of the agencies indicates an increasing stress on the "missionary" or propaganda services offered in time of strike. The employer apparently regards this type of service as of great importance. For example, the Remington Rand Co. recommending the services of the Bergoff agency to the Republic Steel Corporation in a letter of July 14, 1936 states that the "propaganda service and aides were exceptionally unusual, helpful, and efficient." George Williams and Co., a New York agency, writing to the Republic Steel Corporation on May 20, 1937, in anticipation of the imminent steel strike states:

I firmly believe that one or two squads of our experienced propagandists would help you a great deal in your fight against both the C. I. O. and the F. of L. Of course, we are operating outside of your plant.<sup>3</sup>

Perhaps the best description of such propaganda services is contained in a letter of solicitation from W. Howard Downey & Associates to the Republic Steel Corporation dated July 14, 1934. This firm offered nothing but "missionary" service. Its letterhead bears the statement "Specialists in word of mouth propaganda since 1915." The letter reads in part as follows:

In the first place to insure a prompt and early return of your employees, they should be confused, dissension should be spread among them, and they should be influenced, encouraged and urged to go back to their jobs by your own trained agitators and propagandists. Those timid, hesitant loyal employees, mostly of the better element, also your most desirable and key men in the plant will only need urging, encouragement and a touch on the elbow to convince them it will be to their best advantage to go back to their jobs.

We have a whole kit of expressions and remarks accumulated by us in the last twenty years that have proven themselves in the handling of Industrial distr-bances time and again. Facts that the agitators for good reasons have failed mention to your employees. Facts that are so powerful and put over with such telling effect to each striker by our propagandists that you will note a change at once in their friendly attitude towards you and other officials. They have found out from us that you will continue to do the HIRING and FIRING, win or lose, not the agitators.\* \* \* After hearing a few remarks that we have up our sleeves you should see how apprehensive a striker becomes and it is sad to note his change of expression by degrees as he goes into a state of profound discouragement, to think he did not consider his own side of the picture before he went on strike. The calls made at the home of the striker enlists the entire support and sympathy of the mother, wife and other members of the family to your cause, they influence also and encourage those of the family on strike to return to their work and give up the strike.

\* \* \* We always emphasize the fact that the first ones to return to their

\* \* \* We always emphasize the fact that the first ones to return to their jobs will be sure of their jobs and the last ones to make up their minds will be too late.

<sup>1</sup> As to Pinkertou's, see pt. 2, pp. 402-403, testimony of A. S. Ailes; for A. A. Ahner Detective Agency, see pt. 2, p. 402; exhibit 212, p. 595; the National Metal Trades Association was considered an important business connection by the Lake Eric Chemical Co., see pt. 2, p. 404, testimony of A. S. Ailes; exhibit 217, pp. 598-599. See pt. 2, p. 655, as to the Manville Manufacturing Co.'s connections with detective agencies. See also pt. 15-D, exhibit 3641, 3643, pp. 7047 ff, exhibit 270 for connections between Federal Laboratories and the Jake Mintz Agency, and the Cal Crim Detective Agency.

2 Pt. 25, exhibit 4491, pp. 10803-10852.

3 Pt. 25, exhibit 4491, p. 10813.

For this purpose we are prepared to supply high pressure salesmen-propagandists possessing natural leadership qualifications, men of intelligence, courage and great persuasive powers, who go right into the homes of the strikers, whose return is desired by you, to carry your side of the story and counteract the evil influence of the strike agitators and the radical element.

Every propagandist used on an operation, before calling on any of the strikers, has connected with a local or nearby merchant to sell specialty products which is a perfect camouflage and does not arouse any suspicion, being apparently just a salesman calling on them. The propaganda being spread to them is considered unbiased as of course we are not known to be connected with your organization.

They do not yes us as they would an official or foreman who they consider biased.

\* \* \* The average number of days service required to place them back to

work after we start service is eight.

We may mention at this time that we are conducting operations in Hopewell, Va. for the Tubize Chatillon Corp. whose employees are out for the reinstatement of ten men ordered reinstated by the National Labor Board.1

<sup>1</sup> Pt. 25, exhibit 4491, pp. 10840-10841.

## CHAPTER III. EXAMPLES OF THE USE OF STRIKEBREAKING SERVICES EXAMINED BY THE COMMITTEE

From the foregoing examination of the extent and character of strike services at the present time, it is necessary to turn to a consideration of the function of strike services in the course and conduct of Upon close inspection it becomes impossible, in most cases, to isolate the use of strikeguards or strikebreakers from the context of the industrial disputes or labor situations in which they may be engaged. Strikeguards or strikebreakers are used by the employer and their use has, therefore, a close relation to his entire labor policy, and the situation which confronts him at the time of their employment. In seeking to assemble data concerning this functional aspect of strike services, as it exists today, the committee was not able to investigate as many strikes in as great detail as it wished to do. Its approach to the problem was necessarily through the detective agency or employer association furnishing the services, and not through the employer who utilized them, or the union with which they came into conflict. several instances of the use of strikebreakers or strikeguards, however, the record contains sufficient detail to permit a functional analysis of the use of these strike services with reference to the surrounding These instances will be treated in this chapter. industrial conflict.

In all the situations which will be discussed in this chapter, the strikeguards or strikebreakers played an important and significant role. The committee does not contend that strikeguards or strikebreakers are always the dominant factor in the industrial disputes in which they are employed. There are several instances in the record, including the Little Steel strike of 1937, in which the use of professional strikeguards was far overshadowed by other factors. The committee does, however, believe that wherever strikeguards or strikebreakers assume major importance in the conduct of a strike, their use will be attended by the evils of violence, provocation, and disorder, on one or both sides of the dispute, which marked the controversies discussed in this chapter.

# SECTION 1. USE OF ARMED GUARDS BY THE WEST POINT MANUFACTURING CO., WEST POINT, GA., 1934

In its investigation of Federal Laboratories, Inc., a munitions firm and sole agent in this country for the Thompson submachine gun, the committee discovered that four Thompson submachine guns had been purchased by the West Point Manufacturing Co., of West Point, Ga., on September 6, 1934, in violation of the National Firearms Act of 1934. Further investigation revealed that this purchase was occasioned by the textile strike of 1934, that the sale had been made through the

Hearings on Federal Laboratories, Inc., appear in pt. 7, pp. 2407-2508, and pt. 15-D, pp. 6949-7244. For the West Point case see pt. 7, pp. 2483-2496, and exhibits mentioned therein. See also pt. 1, pp. 76-79, testimony of G. Eugene Ivey, manager of Atlanta office of the Railway Audit & Inspection Co., Inc., and exhibits 63-71, pp. 268-278, inclusive.

Railway Audit & Inspection Co., Inc., and that the guns had been used by imported guards supplied by the Pennsylvania Industrial Service Co., strikebreaking subsidiary of the Railway Audit & Inspection Co. Although the mills of the West Point Manufacturing Co. were not affected by the strike, the record in this case presents a fully documented picture of the character and effect of the strike services offered

by the Railway Audit & Inspection Co.

The West Point Manufacturing Co., of West Point, Ga., owns cotton textile mills in the incorporated city of Lanett, and in the four unincorporated villages of Shawmut, Langdale, Fairfax, and River View, all in Chambers County, Ala. These towns stretch along the west bank of the Chattahoochee River for a distance of about 8 miles, Lanett being to the north, near the Georgia line, and Fairfax and River View to the south. The area is traversed from north to south by United States Route 29, the only paved highway in the vicinity. The total number of employees in these 5 towns is 5,075.2

Beginning July 1, 1934, the Railway Audit & Inspection Co., through its Atlanta, Ga., office furnished the West Point Manufacturing Co. with an undercover operative, named W. E. Hemphill. Mr. Hemphill continued in this employment until some time in October 1934, after the general textile strike was over.3 In the month of September when the textile strike was at its height throughout the South, two other undercover men were assigned. Mr. Hemphill was a labor spy of unusual ability. He posed as an organizer for the textile union, circulating membership application blanks among

employees of the company, and urging them to sign up.

Thus informed of the extent of union sentiment among its employees, the West Point Manufacturing Co. awaited the general textile strike, which was called on August 30, 1934. At that time, according to George H. Lanier, president of the company, "there was no labor organization at any of the West Point mills, and no employee of the West Point Manufacturing Co. responded to the general strike call."6 The cotton mills in La Grange, Ga., 16 miles north of Lanett, and in Columbus, Ga., some 30 miles to the south were, however, closed by the strike order. On September 4, 1934, according to Mr. Lanier, the company began to receive rumors that "flying squadrons" of pickets might be sent from these nearby communities to bring the West Point Co.'s mills into the strike. On September 7, according to the company's statement, a secret poll of the employees on the question "Do you want this mill to continue to run?" \* resulted in an affirmative vote of over 90 percent. In spite of this reassurance the company did not feel at ease.

On or before September 6 the company had induced Chief of Police W. E. Boyd, of West Point, Ga., to sign a telegram sent to Federal

<sup>1</sup> Pt. 7, exhibit 899-A, p. 2690, letter from the West Point Manufacturing Co. to Senator Robert M.

<sup>1</sup> Pt. 7, exhibit 899-A, p. 2690, letter from the West Point Manufacturing Co. to Senator Robert M. La Follette, Jr.
2 Pt. 7, exhibit 899-A, p. 2690.

1 Pt. 7, exhibit 899-A, p. 2689, exhibits 903-A-903-H, pp. 2702-2705, bills from the Railway Audit & Inspection Co. to the West Point Manufacturing Co. See testimony of W. E. Hemphill, pt. 1, pp. 84-94; Hemphill stayed in Lanett until a year after the strike, according to Ester Lee Groover, of Lanett, Ala., pt. 7, p. 2490.

1 Pt. 7, exhibits 903-E and 903-F, two bills for September; also exhibit 900, p. 2698, indicating that the regular charge for Hemphill's service was paid in addition during that month.

1 Pt. 7, p. 2490, testimony of Ester Lee Groover, of Lanett, Ala. See also S. Rept. No. 46, pt. 3, p. 64.

2 Pt. 7, exhibit 899-A, at p. 2690, a letter from George H. Lanier to Senator Robert M. La Follette, Jr.

1 Ibid, p. 2688.

1 Ibid, p. 2688.

1 Possibly because the question on the ballot did not cover the issue at stake, namely "Would you strike to obtain collective bargaining and recognition for the union?" Presumably, employees dependent on a mill want it to run; whether they will strike to obtain benefits is another question.

Laboratories, Inc., in Pittsburgh, Pa., ordering four Thompson submachine guns. Purchase of the guns had, however, already been arranged between the West Point Manufacturing Co. and G. Eugene Ivey, manager of the Atlanta office of the Railway Audit & Inspection Co., and agent for Federal Laboratories, who had also supplied the company with Mr. Hemphill.<sup>2</sup> The chief of police was brought into the transaction because, under the National Firearms Act, his signature was a condition precedent to shipment of the guns. were shipped on September 6 in response to the telegram.

Federal Laboratories did not wait for affidavits stating that the guns would not be transferred to private hands, as they should have done under the law. The Railway Audit & Inspection Co. received a commission on the sale. Immediately after the guns arrived, on September 8, they were turned over to representatives of the mill.

At the same time the Railway Audit & Inspection Co., through Mr. Ivey and the Pennsylvania Industrial Service Co., was making another service available to the company. Having supplied the spies and arranged for arms, it now furnished men to use the guns. On September 6, four guards, Legare Ansel, H. W. Oliver, Jr., W. P. Coggeshall, and J. D. Davenport, "addresses unknown," entered the service of the company. On September 8, Ivey sent another, and later, two more.<sup>7</sup> Promptly on arrival, these outsiders were commissioned as deputy sheriffs.<sup>8</sup> The guns arrived on September 8, and on the same day all four of them were turned over to the men provided by the Pennsylvania Industrial Service Co.9

Military measures appealed to the executives of the West Point Manufacturing Co. as a way of keeping the strike out of their company towns. After September 6, when they had already ordered the guns and the guards, they visited the Governor of Alabama, repeating an earlier request that he issue a statement "against interference by outsiders with cotton mill operations in Alabama," and requesting his aid, through the use of the National Guard, if necessary, to protect their mills "from interference by strikers from other communities, and in maintaining order and avoiding violence."10 At that time there had been no invasion of their company towns, disorderly or otherwise, by anyone except the guards of the Pennsylvania Industrial Service Co. The Governor sensibly refused the National Guard, and said it was a matter for local authority. This appeal to the Governor may have been made in good faith, but at any rate, the company proceeded with the drastic measures for which it had already made preparation.

Not satisfied with the four machine guns they had purchased, the company, on or about September 8, 1934, borrowed three additional machine guns, all of .45 caliber, from the Debardeleben Coal Cor-

Pt. 7, exhibit 897, p. 2635, report of investigation; Treasury Department, Internal Revenue Service.

Pt. 7, pp. 2483 ff., testimony of John W. Young, president, Federal Laboratories, Inc. The purchase was apparently arranged by phone call to G. Eugene Ivey in Atlanta, who advised that delivery would be prompt, and that a police officer would have to sign the order. Pt. 7, exhibit 898, p. 2687; letter of West Point Manufacturing Co. to collector. Internal Revenue; see also bld, pp. 2486-2487, testimony of John W. Young.

avanuacturing Co. to collector, internal Revenue; see also ibid, pp. 2436-2487, testimony of John W. Young.

Pt. 7, p. 2485, testimony of B. H. Barker, vice president in charge of sales, Federal Laboratories, Inc.

Pt. 7, exhibit 897, p. 2686.

Pt. 7, exhibits 902-C, 902-E, 902-F, 902-G, pp. 2700 ff., bills for services of these men from the Pennsylvania Industrial Service Co. to West Point Manufacturing Co.

See pt. 7, exhibits 902-B, p. 2695, a schedule of guards, special deputies, and operatives.

Pt. 7, exhibits 902-B, 902-A, and 902-D, pp. 2700 ff.

Pt. 7, exhibits 900, p. 2697. There is no Alabama statute restricting deputization to residents of the State or county.

<sup>\* 171 4,</sup> exhibit 900, p. 2697. Theoreounty.

\* Ibid.

10 Pt. 7, exhibit 809 A, p. 2690.

11 Ibid.

who was deputized.

poration, of Birmingham, Ala. As an addition to this arsenal of seven machine guns, the company purchased, between August 27 and September 19, \$1,722.55 worth of tear gas and tear-gas equipment.2 These purchases included some tear-gas guns. Apparently no records were kept of the issuance of these munitions or of the persons authorized to handle the machine guns. The statements of the company indicate merely that they were accessible to everyone

The company called upon the city of Lanett and the sheriff of Chambers County, Ala., to appoint special policemen and special deputies.<sup>3</sup> The chief of police and the sheriff thereupon issued commissions to 808 persons, 7 of whom were the guards supplied by the Pennsylvania Industrial Service Co. According to the company, practically all of these special policemen and deputies were employees of the West Point Manufacturing Co. The pay roll of special policemen and deputy sheriffs submitted by the company indicates, however, that the addresses for 159 of them were unknown and that 19 of those whose addresses were known came from outside the State of Alabama. Whether any of these deputies were professional strikebreakers or were recruited by detective agencies does not appear, but it is not impossible that some of the out-of-State men may have been professional strikeguards.

The company paid each of these men compensation for serving as deputy sheriff or special policeman. The total bill for their services was \$27,012.95. The machine guns cost \$1,002. The services of the labor spies cost \$1,869.38. Thus, including the purchases of tear gas, the total known expenditures of the company in connection with the strike were \$31,606.88.6 The company did not supply any record of the dates upon which these men were deputized or appointed special policemen and no records were preserved in the police department.<sup>7</sup> Judging by the amount of compensation listed after each name, they served for varying periods of time. There is, however, little reason to doubt that most, if not all, of the 800 were on duty at the peak of the The president of the company stated that "at the peak there were several hundred of these special policemen and special deputies; they remained on duty for about 3 weeks."8 All of these guards were armed with firearms of one kind or another.9

The first function of the deputies and imported guards, who were in possession of the machine guns, was to isolate the mill communities of the West Point Manufacturing Co. from the strike in the world

<sup>1</sup> Pt. 7, exhibit 898, p. 2687.

Pt. 15-D, exhibit 3572, p. 6958, a list of sales of tear and sickening gas and gas equipment by Federal

Pt. 15-D. exhibit 899-A, p. 2691.

Pt. 7, exhibit 899-A, p. 2691.

Pt. 7, exhibit 899-B, pp. 2691 ff, a schedule of guards, special deputies, and operatives:

A number of detective agencies shipped guards and strikebreakers into the South during the textile strike of 1934. Writing in 1935 to a solicitor of the Railway Audit & Inspection Co. in the South, Mr. G. Eugene Ivey, manager of the Atlanta office, explained the apparent reluctance of southern employers in 1935 to use guard service on the ground of their experience in the strike of 1934. The letter reads in part as follows:

as follows:

"A former police commissioner of the city of New York, whose name I do not remember offhand, came south during the last textile strike with about 300 guards. These guards were recruited from the gutter and dregs of New York, Chicago and Detroit. They were gunnen of the first water and believe you me, they used every kind of roughneck method known to them to quell the disturbances. The old police commissioner was run out of the State of Georgia by the Governor and given 36 hours to leave after he landed, but during those 36 hours he did plenty of havoc with his men." (Pt. 1, exhibit 136, p. 307.)

Pt. 7, exhibit 896, 899-B, 900; pp. 2685 ff.
Pt. 7, exhibit 901, p. 2699.

Pt. 7, exhibit 899-A, p. 2691.
Pt. 7, exhibit 900, p. 2698.

This function was facilitated by the fact that the five towns were strung along the only paved highway in the region. The guards blocked the highway at Fairfax, the southernmost of the villages, and to the north, at the bridge over the Chattahoochee which there forms the boundary between Alabama and Georgia.

Ester Lee Groover, proprietor of a dry-cleaning plant at Lanett, Ala.,

testified to the conduct of the guards:

. every way you looked you saw a guard or a spy. The Jefferson Highway runs through there and they had bales of cotton piled up along the road and they would stop cars and search the people, all the way from down in Fairfax up to the line, where they blocked the river bridge. They would stop the cars and search every car there, and Dr. O'Neil came by and did not stop quick enough and they shot his tires off. Charlie Harris came by with his little girl who had been hurt and who was bleeding bad, and they stopped him. Later on they went over to beat him up but he did not let them get the drop on him. These machine-gun men were riding all over Troup County and Chambers County let. were riding all over Troup County and Chambers County.1

Within the restricted area the guards of the Pennsylvania Industrial Service Co. apparently carried on a campaign of intimidation and brutality.

They shot the tires off that doctor's car up there. They went down to Troup County and got into trouble at a dance hall down there and the sheriff locked them up, but the mill officials had them turned loose. They stopped some people up above West Point four or five miles and drew the machine gun on them, and accused them all of belonging to the union and told them not to come back to Lanett any more. They worked in Lanett and were union men.

Bill Pilkington was standing out near the athletic hall and they knocked him down two or three times and one of them held a pistol on him. The police came up and searched Pilkington three times but never said anything to the guards doing the beating, and they both had guns.2

The textile strike was settled and the employees in the neighboring communities returned to work on or about September 23, but the Pennsylvania Industrial Service Co. guards remained in the area in the employ of the West Point Manufacturing Co. Toward the end of the month, the guards perpetrated assaults on persons sympathetic to the United Textile Workers. One of these was J. R. Hamby, bricklayer, who had been acting as voluntary organizer for the union. The guards came upon Hamby in a filling station, accused him of "agitating" for the union and proceeded to assault him. One of them beat him up while another covered the crowd that collected with a machine gun.3

The same technique was applied to Mr. Groover himself. He was not an employee of the company but his sympathies with the union were apparently open and well known. According to his testimony, he had pressed some suits for the guards and taken them to their boarding house on September 30, 1934 when the following occurred:

I carried them back down there about 11:30 and there were those four men again in the room and they had their machine guns, one on each bed. He asked me what he owed me and I said 70 cents. When I started to go, this big fellow Ansel followed me. He got to the door and then he said, "Groover, I am going to beat hell out of you," and then he hit me and knocked me down. As I started to get up this fellow Hager shoved a gun in my face and said, "Move and I will blow

Pt. 7, pp. 2490, 2491.
Pt. 7, pp. 2492, 2493.
Pt. 7, pp. 2492, 2493.
Pt. 7, exhibit 904-B, p. 2493; exhibit 905, p. 2707; exhibit 906, p. 2708; and testimony of E. L. Groover, pp. 2493, 2494.

your damn brains out." Then he searched me. I asked him what right did he have running around there and holding up people and drawing guns and searching them, and he said, "We are going to stop this union agitating; your place up there is headquarters for these agitators around here." I said that I paid rent and that this was a free country. All along he told this big fellow to knock hell out of me. I would get up and he would come at me again and knock me down. Then after that had been going on for some time he said, "You go on up there and we do not want to hear any more of this union agitating around here."

These incidents, occurring after the strike in the nearby towns was over, and the alleged necessity for protection had ceased, reveal the true purpose and function of the employment of these gunmen. is no question that the guards were under control of the company, and that they were receiving pay at the time of these assaults. Their duty was to use the ultimate weapon of brute force to stamp out whatever sparks of union sentiment remained after the coercive measures employed during the strike. - Nor was there any need to employ men of this character during the period of the strike. There was no strike in the territory of the West Point Manufacturing Co., nor any violence, except that of the guards. Their function was not protection, but repression and intimidation.

SECTION 2. THE STRIKE AT THE BLACK & DECKER ELECTRIC CO., KENT, оню, 1936

The Black & Decker Electric Co. of Kent, Ohio, manufacturers of fractional horsepower motors used on small electrical appliances, was a member of the National Metal Trades Association in 1935 In 1935 the company was operating under a month-tomonth agreement with a local of the International Association of Machinists.<sup>2</sup> On January 1, 1935, the National Metal Trades Association introduced into the plant a labor spy, who was named G. W. Bookhamer and designated on the books of the association as No. 450.3 He was a member of the International Association of Machinists, card No. 114223, and immediately became active in the Black & Decker local union.4

At the end of April 1936, the union sought to modify and renew the agreement, but the company rejected the proposed changes and indicated that it did not want to continue to deal with the organization. On May 2 the employees of the plant, numbering about 450, went on strike.

During the strike Bookhamer, whose actions had already induced a few members of the local to regard him with suspicion, became openly provocative. According to the local's business agent, he tried to get some of the strikers to set off a charge of dynamite in the plant, and suggested that the pickets prevent the United States mail from going into the plant.

Sometime after the middle of May, an injunction against mass picketing was granted by the Ohio Court of Common Pleas and an

Pt. 7, p. 2492.

<sup>!</sup> Pt. 7, p. 2492.

Pt. 3, p. 938, testimony of Charles A. Gadd, business agent of the Black & Decker local of the International Association of Machinists.

Pt. 3, exhibit 461, p. 1088.

Pt. 3, p. 944, testimony of E. C. Davison, general secretary-treasurer of the International Association of Machinists.

Pt. 3, p. 938, testimony of Charles A. Gadd. Newspaper accounts indicate that the union also asked for a 10-percent wage increase and the 40-hour week.

Pt. 3, p. 944.

Pt. 15-A, exhibit 1875, p. 5491.

agreement was entered into that only three pickets should be posted

at each gate of the plant. The strike remained effective.

A representative of the National Metal Trades Association, named Smith, ordered \$1,619.16 worth of gas for the Black & Decker Co. from the Lake Erie Chemical Co. This order, which was shipped on May 10, 1936, included 3 long-range gas guns, 16 shells of tearsickening gas, 4 dozen shells of tear gas, 2 dozen tear-sickening gas

grenades, and 4 dozen tear-gas grenades.2

After thus providing for the munitioning of the plant, the National Metal Trades Association, sometime in June, prepared to utilize its strikebreaking services. Apparently it was agreed that guards and not strikebreakers should be sent.3 It was planned to place the guards inside the plant, but the reason for this action is not clear. There is no evidence that the plant was in any danger of harm and there was no attempt to operate it. Mr. L. A. Stringham, who handled the strikebreaking services of the association, recruited two men from Chicago and two from New York to establish and maintain a commissary in the plant.4

The association arranged for apparently 3 distinct groups of guards. The first was a group of 16 shipped directly from Chicago. According to Mr. Stringham's testimony, these men were held in Cleveland and were never sent into the plant. His testimony concerning these men

was evasive.

Senator La Follette. What were they doing? Mr. Stringham. I could not tell you. They probably passed by the plant.

Senator LA FOLLETTE. They were just out for exercise?

Mr. Stringham. Yes; no; they rode by in automobiles, Senator.

Senator La Follette. Just out of curiosity? Mr. Stringham. I would say, yes.

Senator LA FOLLETTE. You were paying their expenses all of the time they were there?

Mr. Stringham. Yes.

Senator LA FOLLETTE. What were they doing besides riding around in automobiles?

Mr. STRINGHAM. Waiting time.5

A group of 10 National Metal Trades Association guards, who had been hired in connection with this strike, were arrested at Akron, Ohio, on May 21, 1936, on the charge of suspicion. They were held in jail pending investigation until June 3, 1936. Akron is only 17 miles from Kent, Ohio. Mr. Stringham wrote a letter to Mr. Abbott, concerning the arrest of these men and the cost of attorney's services for their defenses which reads in part as follows:

Arms were found in the possession of two of the 10 and tools which the police construed as burglar tools on the third one, which warranted them in holding them on charges as they consorted together in the city.7

The cost of defending these suspicious characters, sent ostensibly to protect a plant from a picket line of three pickets, was sustained by

<sup>1</sup> Pt. 2, exhibit 217, p. 599. Ibid, exhibit 218, p. 599.
2 Pt. 2, exhibit 219, p. 600.
3 Pt. 3, p. 853, testimony of Mr. O. R. Abbott, in charge of the Chicago office of the National Metal Trades
Association and of the strikebreaking services of the National Metal Trades Association. See p. 29.
4 Pt. 3, p. 853, testimony of L. A. Stringham. One of the men from New York was Robert Manent.
1 Ibid, p. 854. See also preliminary hearings on S. Res. 266, p. 171 and p. 173, for an account of Manent's
1 activities in the S. L. Allen Co. strike in Philadelphia, Pa.
3 Pt. 3, p. 854.
4 Pt. 3, exhibit 463-B, p. 1092.
7 Ibid.

the National Metal Trades Association in the usual course of its business.1

The third group were more successful in reaching their objective. Mr. Stringham testified that he arranged with two detective agencies to supply them. Twenty-two were provided by the Harry A. McGrath Secret Service, Inc., of Cleveland, Ohio, and 20 by Austin Cusack, also of Cleveland.<sup>3</sup> McGrath's job, according to Stringham, was "to open the plant." <sup>4</sup> These men arrived at the plant in Kent, Ohio, early in the morning of June 18, 1936. They found three pickets at the gate, while some other strikers were in a picket tent, some distance away. One of the pickets was a woman. The guards drove up to the gate in a large covered van, and immediately, without parley, opened fire on the pickets with tear gas and shot guns. There was no warning, no advance notice, no negotiation between the employer and the union concerning the admission of these men to the plant. The attack came as a complete surprise to the strikers and a shock to the community.

The strikers in the picket tent, attracted by the shooting, rushed to the gate, but the van had passed inside. Taking positions inside the gate, the guards continued to shoot at the strikers. The result of this affray was a list of gassed and wounded strikers. One of the pickets suffered severe buckshot wounds in the leg and the others incurred minor buckshot injuries and severe gassing. Four of them were hospitalized. After the shooting, the guards proceeded into

the plant.

This murderous assault had its predictable effect. It provoked the strikers to violence.

Mr. Gadd's testimony on subsequent events reads in part as follows:

The strikers secured guns from some place, or somebody did, and a battle went on, was carried on from about 6 o'clock, the time they got down in the plant, until about 11:30.

Senator La Follette. How many men were outside the plant at this time?

Mr. Gadd. Up until 11:30—of course, the crowd kept getting larger as the news spread—up until 11:30 there were probably 300 outside the plant, that is

out on the street, running by the plant.

Senator LA FOLLETTE. What else took place?

Mr. GADD. Well, they kept firing into the plant, and the ones in the plant kept firing out, and there were some of them wounded in the plant. Three of them, I think, were very seriously wounded. One of them got out of the plant some way over the back fence, went to Cleveland, the hospital there. Two of them were taken to the Ravenna Hospital at Ravenna, Ohio.8

The chief of police of Kent estimated that from 100 to 150 strikers, armed with rifles, were firing into the plant. The company appealed

The attorneys' bill amounted to \$435.25. Pt. 3. exhibit 463-A-463-C, pp. 1092-1093.

For employment of the McGrath agency by the Ohio Rubber Co. of Willoughby, Ohio, to provide guards during a strike in February 1935, see pt. 21, p. 9236, ff. See also exhibit 4242, p. 9347, a list of the McGrath agency's strike clients, furnished by Harry McGrath. Included are Swift & Co. of Cleveland; the Fisher Body Co.; the Ashtabula Bow Socket Co., Ashtabula, Ohio; the Truscon Steel Co., Cleveland; Steel and Tubes of Elyria (Republic Steel Corporation subsidiary); and the Newton Steel Co. at Monroe, Mich. (now a Republic Steel Corporation subsidiary).

Austin Cusack, former manager of the National Corporation Service in Cleveland, went into the business for himself. See pt. 1, exhibit 187, p. 363 and pt. 22, pp. 9383-9384, testimony of Paul Meggart, Cleveland strikeguard. Pt. 1, p. 188 testimony of A. E. Lawson.

Pt. 3, p. 851. It appears that the National Metal Trades Association was anxious to use only guar is recruited in Ohio for this job in Kent, Ohio, although the Byrnes Act was not yet law. (See pt. 3, p. 854, testimony of L. A. Stringham.)

Pt. 3, pp. 938, 939, testimony of Charles A. Gadd.

Thid pp. 939-940.

Pt. 3, pp. 939, testimony of Charles A. Gadd. See also account in the Akron Beacon Journal of June 18, 1936.

<sup>1936.</sup> Pt. 3, p. 940.

to the Governor for the National Guard, but instead four National Guard-observers were sent to the scene. By 11:30 in the morning, the union leaders persuaded the strikers to cease firing. By that time workers from other plants in Kent had joined the strikers. Two of the manufacturing plants in the town were forced to close for lack of men to carry on their normal operations. This immediate and spontaneous response not only on the part of the strikers involved but on the part of other workers in the vicinity, serves to illustrate the universal resentment which the conduct of such strikeguards seldom fails to provoke.

At length it was arranged between the strikers and the sheriff that the sheriff would enter the plant and disarm the strikebreakers and

place them under arrest.

Warrants were sworn out for the arrest of the men on the charge of shooting with intent to wound. About 6 p. m. the sheriff, accompanied by deputies and union men, went into the plant and took the imported guards in their van through the aroused picket lines to the city jail. Charles A. Gadd, business representative for the union, accompanied the sheriff into the plant. A large quantity of guns and munitions were discovered in the possession of the strikebreakers. According to Mr. Gadd—

There were five sawed-off shotguns, five tear-gas guns, long-range guns, one full case and one part of a case of long-range tear-gas shells; there was quite a quantity of small arms ammunition, shotgun shells, and there were about a bushel-basket full of revolvers and automatic pistols. <sup>2</sup>

In addition, there was enough food for the guards to last a week.

Forty-three guards were booked at the police station, of whom all but one were bound over to the grand jury in bond of \$1,500 each. This round-up of the guards made it possible to trace their arrest records through the Federal Bureau of Investigation. Sixteen of them had criminal records for offenses committed prior to the time they arrived in Kent. One of them acquired a criminal record after the Kent affair. The crimes for which they had been arrested or convicted include carrying concealed weapons, larceny, counterfeiting, bootlegging, illegal possession of bombs, robbery, and rape. Some of them had been sentenced to prison terms as long as 10 to 25 years.

The disturbances subsided after the guards had been arrested. The company's requests for the National Guard went unanswered. Within 2 weeks the company signed an agreement with the union.

Bookhamer, the spy, left when the strike ended.

Viewing this incident as a whole, it is difficult to escape the conclusion that it was the deliberate purpose and function of the strikeguards to provoke the riot that occurred. There was no question of the protection of strikebreakers or loyal employees. McGrath's job, according to Mr. Stringham, was "to open the plant." This was not a function that could be performed by having 43 gunmen sit inside the factory. Presumably the guards might have been installed in antici-

<sup>&</sup>lt;sup>1</sup> See newspaper accounts in Akron Beacon Journal, June 18, 1936.

<sup>2</sup> Pt. 3, p. 941. The representatives of Federal Laboratories, Inc., were under the impression that this gas and gas equipment was purchased from the Lake Eric Chemical Co., by the McCrath agency. It is probable that the strikeguards brought some gas and equipment with them, adding to the amount already purchased by Black & Decker from the Lake Eric Chemical Co. According to the invoice (exhibit 219, pt. 2, p 605) Black & Decker from the Lake Eric Chemical Co. According to the invoice (exhibit 219, pt. 2, p 605) Black & Decker purchased only 2 tear gas guns, whereas Gaddsaw 5. The efforts of Federal Laboratories to sell gas at this strike were unavailing. (See pt. 15-D, exhibit 3642, p. 7048.)

<sup>3</sup> Pt. 3, exhibits 306-A to 396-QQ, inclusive, pp. 1020 ft. The list includes 3 convicted robbers, 4 Pt. 15-A, exhibit 1875, p. 5491; pt. 3, p. 994.

pation of a later use of strikebreakers, but if that was in fact the purpose of their use, there was no reason for their unprovoked assault on the pickets. The facts do not permit of any construction other than that the representatives of the National Metal Trades Association, who were in control of the situation, desired to precipitate a riot. A riot of serious dimensions might conceivably have resulted to the benefit of the company. Martial law or its equivalent might have been invoked to suppress the disorder, and in that process, as often happens, the union leaders might have been arrested and imprisoned and the strike broken. This chain of consequences was prevented by the timely arrest of the guards.

There is another striking conclusion that may be drawn from this incident. The whole technique differs in nothing except the outcome from the use of Pinkerton guards at Homestead in 1892. There the attempted landing of 300 armed imported guards aroused such popular resentment that a veritable battle raged until the guards were taken into custody. It is the inevitable but unwelcome conclusion that some employers or employers' associations will not hesitate to use today the same barbaric tactics that were in vogue 40 years ago. And it is also clear that the evils of the strikebreaking business have not changed in the interim.

SECTION 3. THE STATLER HOTEL STRIKE, CLEVELAND, OHIO, SEPTEMBER 1935

The Statler Hotel of Cleveland, one of Cleveland's first-class large hotels, joined the Associated Industries of Cleveland on September 22, 1933.¹ Some time after this date the Statler Hotel became a party to an arrangement with the Hotel Carter and the Hotel Cleveland for the services of an undercover operative who made reports on the cooks and waiters union. This operative was in the pay of Corporation Service Bureau, Inc., a Cleveland detective agency operated by Ralph F. Smith. Corporation Service Bureau performed labor-undercover work for a number of the members of the Associated Industries of Cleveland. At one time, bills for the service rendered by this hotel operative were handled directly by the Associated Industries. For the period February 1934 to February 1935, the Associated Industries billed the three hotels monthly \$45 apiece for the services of this operative. After February 1935, Corporation Service Bureau resumed direct billing for all three hotels.²

That the Statler Hotel may have employed additional labor spies through Corporation Service Bureau is indicated by the testimony of Paul Meggart, who stated that he was sent by Ralph Smith to the manager of the hotel to be employed as a houseman and to write nightly reports on any union activities that he observed. Mr. Meggart testified that he took this employment about a year before the strike at the Statler Hotel, which would place it some time in the fall of 1934. He testified that he was unsuccessful in uncovering valuable evidence concerning the growth of union activities among

<sup>1</sup> Pt. 20, exhibit 4072, p. 8967, membership list and dues charges, 1933-37, the Associated Industries of Cleveland. For description of the strike services rendered by the Associated Industries of Cleveland, see no. 31 ff.

pp. 31 ff.

Pt. 22, pp. 9633 ff, "Analysis of Certain Books and Records of the Associated Industries of Cleveland with
Reference to Industrial Undercover Work," for a brief description of the arrangement. For testimony and
exhibits with reference to this operative, see pt. 21, pp. 9068-9081 and exhibits 4148-4157, pp. 9267-9271.

the employees because most of them were foreigners and he could

not understand their language.1

On the 4th of September 1935, according to the testimony of Thomas Lenehan, secretary of the Cleveland Federation of Labor, the Cleveland federation attempted to bargain collectively with the management of the Statler Hotel on behalf of the various unions whose members were employed in that hotel.<sup>2</sup> The principal request of the federation, according to the testimony of its representatives, was that the union be recognized as a bargaining agency.3 Upon the failure of the hotel to negotiate with the federation, a strike was called the morning of September 5, 1935. The conduct of the strike was in the hands of a strategy board under the direction of the Central Labor Union. A mass picket line was thrown around the Statler It consisted of members of the various organizations involved who were unemployed at the time. The strike prevented delivery of the supplies to the hotel by union drivers, and the elevator operators also struck.

The Associated Industries, in the due course of its service to members affected by strikes, set about to supply guards to the Statler Hotel. As William Frew Long had pointed out previously in his testimony, men who are willing to take strike jobs are soon informed of their existence and in accordance with standard Cleveland practice, the office of the Associated Industries at the time of the Statler strike was besieged by applicants for strike jobs.<sup>5</sup> John H. Walker, who was in charge of strikeguarding service of the Associated Industries, testified:

There was a lot of people coming to my office at that time. When a strike happens we are just swamped with men looking for jobs, and it is possible I seen these men.

Some of the guards for the Statler Hotel were recruited directly through the office of the Associated Industries. Others were transferred from another strike job then being handled by the Associated Industries. This was the strike at Thompson Products, Inc., also a member of the Associated Industries, and a user of the detective agency service of Corporation Service Bureau.

Frank Marquard, one of John H. Walker's regular lieutenants on strike work, testified that Mr. Walker had put him in charge of the Thompson Products job when the strike began at that company in July 1935. The casual way in which men are recruited for the difficult task of strikeguards is illustrated by Mr. Marquard's testimony concern ng his authorization to take charge of the Thompson. Products job:

Senator La Follette. Who hired you? Mr. Marquard. Mr. Walker.

Senator LA FOLLETTE. Describe the occasion of his having hired you.

Mr. MARQUARD. Well, he called me up to the office, and I went up there, and he told me I should take charge of the Thompson Products.

<sup>1</sup> Pt. 22, pp. 9368, 9369, testimony of Paul Meggart.
2 Pt. 22, pp. 9372, 9373. The unions involved were all in the culinary-trades industry, which includes the cooks, waiters, and bartenders union.
3 Pt. 22, pp. 9373, testimony of Thomas Lenehan and William Finnegan.
4 Ibid., testimony of Mr. Lenehan.
5 See pp. 33.
6 Pt. 22, pp. 9367.
7 Pt. 21, pp. 9111, testimony of Ralph Smith, president of Corporation Service Bureau, Inc. See also, pt. 22, pp. 9630. Mr. Smith introduced a letter for the record to show that his service to Thompson Products, large, was not in the nature of labor espionage. Inc , was not in the nature of labor espionage.

Senator La Follette. What did you understand that to mean when he said you should take charge of the Thompson Products.

Mr. Marquand. Well, take charge of the men. There was men up there ready to go out, and we all met at the Old Stone Church, at Ontario and Public Square. Senator La Follette. Did you have any discussion with him at that time as to how much would be paid? Mr. Marquard. No, sir.

Senator La Follette. Did he say how you would be paid?

Mr. Marquard. No. sir.

Senator La Follette. Did he say how many men you would have?

Mr. MARQUARD. No; he did not. He did not know really how many men were supposed to be there. He just said there would be a bunch of men there.

Senator LA FOLLETTE. Did he tell you how you were to take charge of them?

Mr. MARQUARD. Yes, sir.

Senator LA FOLLETTE. What did he say?

Mr. MARQUARD. He said I should take charge and have these men put in cars and take them out to the factory—take them and put them in cars the first thing. Senator LA FOLLETTE. Did you have anything to show your authority for taking charge of these men?

Mr. Marquard. No, sir.

Senator LA FOLLETTE. What did you tell them when you got to the appointed

place where you met them?

Mr. MARQUARD. The man that had charge of the factory was there at the time and Mr. Walker told him that I would be in charge.1

The bulk of the men that Mr. Marquard and Benny (the Fink) Gross commanded on this occasion were apparently strikebreakers. A small proportion acted as guards. While the Thompson Products

strike job was still in process, the Statler strike occurred.

Some of the men who were serving as guards in the Thompson Products factory were sent to perform the same function at the Statler Hotel.<sup>3</sup> Mr. Marquard testified that, at Mr. Walker's instructions, he had sent four men from the Thompson Products plant to the hotel. Some of the men at the hotel were sent to the Thompson Products plant in their stead. According to Mr. Meggart, who was one of the men transferred from the hotel, the reason for the interchange of personnel was a pending police investigation of the hotel All those with criminal records were transferred or dismissed.

Among the 40 to 50 guards who began on the Statler job were George Francis, Steve Francis, Rex Tracey, and Russell Minnert, all well known professional strikeguards in the Cleveland area. Steve Francis had been arrested a few months before for carrying concealed weapons, while acting as a guard under the supervision of the strike lieutenants of the Associated Industries during a strike at the plant of the National Screw & Manufacturing Co., of Cleveland. At the time of his arrest he had a blackjack and a tear-gas gun on his person. explained that the blackjack had been given him by the Ohio Rubber Co., of Willoughby, Ohio, while he was acting as a strikeguard there early in February of that year, under the direction of John H. Walker, of the Associated Industries,8 and that the gas gun was the property

<sup>1</sup> Pt. 22, pp. 9363-9364.

<sup>1</sup> Pt. 22, pp. 9363-9364.

9 Supplementary exhibits, Cleveland Associated Industries; exhibit 5874. Affidavit of John R. Cox, director of manufacturing of Thompson Products, Inc. Marquard and Gross recruited about 50 men.

Pt. 22, p. 9367, testimony of Charles Adams, guard.

Pt. 22, p. 9368, testimony of Frank Marquard.

Pt. 22, p. 9368, testimony of Paul Meggart, who had a criminal record. Charles Adams, who was transferred from the Thompson Products job to the hotel, was one of the guards later arrested at the Black & Decker strike (supra). See pt. 3, exhibit 396-G, p. 1023, criminal record of Charles Adams; also pt. 22, p. 9371, testimony of Charles Adams concerning the Black & Decker strike.

Pt. 22, p. 9368, testimony of Paul Meggart.

Pt. 22, pp. 9378-9379, testimony of Paul Meggart.

Pt. 21, pp. 9226 ff. for full details concerning the Ohio Rubber Co. strike. See also p. 57.

of the National Screw & Manufacturing Co. According to Mr. Marquard, who had been Steve Francis' superior at the National Screw & Manufacturing job, his arrest was a consequence of a violent encounter with the pickets. They had thrown bricks at him, and he had fired tear gas at them, outside the plant, while he was bringing some employees or strikebreakers in to work.2

Rex Tracey, who had also worked as a guard at the National Screw & Manufacturing Co. strike, had also been arrested during his employment there, and pleaded guilty to the charge of shooting to kill. At the time of the shooting he was out on bail under a charge of assault and battery committed a few days earlier during this same

employment as strikeguard.4

Russell Minnert, also identified by Meggart as serving as a guard at the Statler Hotel, had been arrested on charges of rape, and was later to be among the guards arrested at the Black & Decker strike for shooting with intent to wound.

Another notorious Cleveland strikeguard, known as Harry Berkovitz, served at the Statler Hotel. He was arrested for creating a

disturbance with the pickets while intoxicated.

The guards at the Statler were at first under the supervision of one Bill Wright, who had been employed by John H. Walker. According to Walker he sent all but a few of the strikeguard applicants to Wright, at the hotel, who hired them.8 Mr. Walker was at the hotel, by his account, an hour or so every day during the strike. William Frew Long, general manager of the Associated Industries, took a supervisory interest in the strike. 10

If those in charge of the guards at the Statler weeded out the guards with criminal records, as Mr. Meggart testified, it was an incident rare in the annals of Associated Industries' strike services. Long testified quite frankly that it was not the custom of the Associated Industries to investigate the records of those applying for

strike jobs.

The plan has been in the case of a large strike like this to get any men that can be secured, and if anything is subsequently found wrong with their records, they are dismissed, and that was done in the Statler Hotel matter, to my knowledge. These men were dismissed after records were found. Those are things that we did not approve of.11

The record, however, is equally clear that the Associated Industries did not invariably discharge strikeguards who were found to have bad records. There was undisputed testimony that officials of the Associated Industries ordered the reinstatement of Steve Francis, whose arrest for carrying concealed weapons during the National

<sup>4</sup> Pt. 22, pp. 9393 ff. ibid, exhibits 4257 and 4258, pp. 9468 ff., police records concerning Steve Francis.

2 Pt. 22, pp. 9393, testimony of Frank Marquard.

3 Pt. 22, pp. 9394, testimony of Ben Gross, one of the lieutenants in charge of the guards at the National Screw & Manufacturing Co. strike.

4 Pt. 22, exhibits 4260-4262, pp. 9482 ff., criminal record and sentence of Rex Tracey for shooting withintent to kill. Another strikeguard supplied to the National Screw & Manufacturing Co. during this strike was arrested for carrying concealed weapons. He had an automatic pistol in his possession. See pt. 22, pp. 9395 and exhibit 4263, pp. 9484, police records in the case of John McGinnis. There is no evidence that he served at the Statler Hotel strike.

4 Pt. 3, exhibit 396-A, pp. 1020, criminal record of Russell B. Minor, alias Russell B. Minnert.

4 Pt. 22, pp. 9375, testimony of Thomas Lenchan. A "Morris Berkovitz," arrested at the Black & Decker plant, is probably the same man; finks being notoriously careless about their own names (pt. 3, exhibit 396-DID, pp. 1030).

7 Pt. 22, pp. 9381-9382, testimony of John H. Walker.

8 Pt. 22, pp. 9380.

8 Ibid.

Ibid. pp. 9380-9381, testimony of William Frew Long.
 Pt. 22, p. 9381.

Screw & Manufacturing Co.'s strike has been described above. Frank Marquard, one of the lieutenants in charge of the National Screw job, testified on this point as follows:

Senator La Follette. Mr. Marquard, did Francis come back to work after

his arrest?

Mr. Marquard. I think he was away 2 days and he came back and I asked him what he wanted. He says, "I got orders to come back to work again." I says, "From whom?" He said, "From Mr. Walker." Then I called up and Mr. Nikodym was there, and he says to put him to work.

Mr. Walker did not deny that he had ordered Steve Francis to be

reinstated after his arrest and while he was out on bail.3

From the standpoint of public relations, it is obviously bad policy to employ thugs or men with criminal records, however acceptable they may be in a factory, in a first-class hotel. It may have been this consideration as well as the alleged police investigation that prompted the purging of the guards at the Statler Hotel. The existence of criminal records did not bar the employment of these men at

the Thompson Products strike immediately thereafter.

Bill Wright, to whom Walker had entrusted the protection of the Statler Hotel, was later replaced, according to Charles Adams, one of the strikeguards, "for hitting the bottle too heavy." Adams testified that Wright had had experience as a strikeguard with the Pinkerton agency and the Railway Audit & Inspection Co. The incident is an eloquent commentary upon the strikebreaking business. Here was one of Cleveland's leading hotels, completely at the mercy of men guilty of various crimes of violence, who were quartered in the hotel, and who were in the charge of a habitually drunken professional strikebreaker. Yet, if this state of affairs had not been uncovered on the premises of a noted hotel, frequented by the public, it would in all probability have passed unnoticed. Such things are common enough in factories and mills.

The union representatives testified to several disturbances provoked in their presence by the guards at the Statler strike. The hotel applied for an injunction against the picketing, and evidence of these disturbances was introduced in the injunction proceedings. Mr. Meggart's testimony indicated that to some extent, at least, that these disturbances were deliberately provoked:

Mr. Wright called me down and he said there is going to be a coal truck in pretty soon. He said, "Better have a drink out of this bottle." And he gave me a drink. So there was a picket out there that was singing strike songs, some fellow from either the cooks or waiters union. Wright says, "That Greek out there is a little bit too noisy." He says, "Now, when the truck comes in, naturally those pickets are going to rush in after it, and I want you boys to go there and if you get a chance break that Greek's jaw." They did. They had two or three disturbances. Every time a coal truck or commissary truck came in, it was the guards' orders, when they got a chance, to light on their chin."

An even more alarming aspect of this strike was the use of armed guards to convoy trucks through the city of Cleveland There seem to have been four of these guards who were referred to in the testimony

<sup>1</sup> Chester Nikodym, an employee of the Associated Industries of Cleveland.

Pt. 22, p. 9394.
Pt. 22, p. 9395, testimony of John H. Walker.
Pt. 22, p. 9370.

<sup>•</sup> Pt. 22, p. 9375, testimony of Thomas Lenchan, part of testimony of Philip Hanna.; p. 9376, testimony of Mr. Hanna.
• Ibid.

<sup>7</sup> Pt. 22, pp. 9377-9378.

as "musclemen" or "gunmen." 1 According to Mr. Long and Mr. Walker, these guards were employed directly by the management of the hotel, without the intervention and against the advice of the representatives of the Associated Industries. Mr. Long thought that these men, at least, should have been investigated.2 They were apparently gangsters and appear to have been armed with rifles or revolvers while they were on duty.3

The purpose of employing them was not very clear. Mr. Walker testified that police protection was adequate and there was no neces-

sity of employing special guards to convoy the trucks:

Mr. Senator, might I say this: That my doing a thing like that would be silly and ridiculous, because there was adequate police protection at that time. They took those trucks out to the railroad yard, where they were unloaded, and brought them back and there was never any necessity of any outside guards or anything of that kind.4

Their employment may have been an error in judgment, or it may

have had some more sinister purpose.

There was violence and misconduct on the part of the strikers. Charles Adams described one of the pickets as coming through the front door, while he was on duty there, and throwing a stench bomb at Mr. Adams captured the stench bomber and took him to the police station. Mr. Walker testified that stench bombs were thrown into the hotel during the strike probably a dozen times. Misguided attempts at retaliation on the part of strikers are a trequent concomitant of the use of professional strikeguards and gunmen. The guards cost the Statler Hotel \$6 a day, in addition to their room and board.6 What they cost the hotel in goodwill or what they cost the city in the shape of an aggravated police problem does not appear in the record.

SECTION 4. USE OF ARMED GUARDS AT LAKE CHARLES, LA., DURING THE STRIKE OF LONGSHOREMEN, OCTOBER 1935

On October 10, 1935 the contract of the International Longshoremen's Association with the steamship operators' associations in the Gulf ports expired. The event was greedily anticipated by the detective agencies and industrial munitions firms. The manager of the Burns agency office in Houston made the rounds of the steamship companies in September about 2 weeks before the contract expired.7

The salesman for the Lake Eric Chemical Co. in the New Orleans area informed his office on October 8, 1935, that he was on his way to Lake Charles, La., and other ports which would be affected by the expiration of the contract. He stated that he had "good information

that there is going to be trouble."8

In New Orleans, the Railway Audit & Inspection Co., represented by Harold Bomboy, was in a better position to obtain business, should trouble occur, than the other agencies, because it combined both munitioning and strikebreaking services.9

<sup>1</sup> Pt. 22, p. 9374, testimony of William Finnegan; p. 9378, testimony of Paul Meggart.
2 Pt. 22, p. 9390, testimony of William Frew Long; pt. 22, p. 9376, testimony of John H. Walker.
3 Pt. 22, p. 9378, testimony of Paul Meggart.
4 Pt. 22, p. 9370, testimony of Charles Adams.
6 Pt. 22, p. 9368, testimony of Paul Meggart; pt. 22, p. 9370, testimony of Charles Adams.
7 Pt. 15-A, exhibit 2200, p. 5734.
6 Pt. 15-D, exhibit 3731, p. 7199.
658e p. 36.

As had been expected, the steamship lines refused to sign contracts on the terms requested by the longshoremen's association. The strike began on October 10. In Louisiana an unknown organization calling itself the Louisiana Longshoremen's Association, appeared on the scene and promptly signed contracts with the steamship lines. In spite of this maneuver the strike continued effective at the port of

Lake Charles without interruption up to October 19.

On behalf of the board of commissioners of the Lake Charles Harbor and Terminal District, the Railway Audit & Inspection Co. went intoaction. On October 16 and 17 the Chicago office of that agency recruited a number of men in Chicago and shipped them to Lake Charles. Among these men was C. W. Williams, also known as "Whitey" and "the Boilermaker," who had served as chief strike lieutenant under E. E. MacGuffin in the great New Orleans Public Service strike of 1929. A veteran of many other bitter strikes, he had a long criminal Another of these men was Lee or Leo McDaniel, who had been arrested in St. Louis in 1932 on charges of assault with intent to kill while working as a slugger for the Railway Audit & Inspection Co. Other members of the gang were Harry Toewe, also known as "Toohey" or "Touey," who had served in the H. C. Frick strike in Uniontown. Pa., in 1933, and Frank Dempsey, another noted Railway Audit & Inspection Co. strike lieutenant. Arriving in Lake Charles, these menput up in the Charleston Hotel and all gave their addresses as New Orleans, La.1

Mr. Bomboy, representing the Railway Audit & Inspection Co. in New Orleans, had a group of some 21 men recruited there, and put them under the command of E. J. McDade, another strike-scarred veteran who had worked for nearly all the famous strikebreaking; agencies.<sup>2</sup> McDade took his men to Lake Charles and stored them in the Charleston Hotel. The next day they received crates of tear gas, machine guns, and machine-gun ammunition shipped from Federal Laboratories, Inc.<sup>3</sup>

The Board of Commissioners of the Lake Charles Harbor and Terminal District had purchased from Federal Laboratories on October 17, four Thompson submachine guns together with 1,500 rounds of machine-gun ammunition. Subsequently, the board of commissioners purchased an additional thousand rounds for the machine guns. The Railway Audit & Inspection Co. made a commission on this sale of \$197.36.4

As of the 19th of October, the board of commissioners purchased \$948 worth of tear-gas and tear-gas equipment, including four gasguns and projectiles and 2 dozen grenades. On this sale Railway

Audit & Inspection Co. took a commission of \$284.40.

The men and the arms were ready.6 After guns and the machine guns and ammunition had been distributed to the men in the Charleston Hotel they were deputized en masse by one of the port commissioners, loaded into trucks and driven to the port. The Louisiana Longshoremen's Association, which had announced the day before

For strike-job record and criminal record of al' these men see appendix C, pp. 189-190, 192, and 195.
For the strike-job record of E. J. McDade see appendix C, pp. 196-197.
Ft. 7, exhibit 910, p. 2712.
Ft. 7, exhibit 907, p. 2708; and exhibit 909, p. 2710.
Ft. 7, exhibit 908, p. 2709.
The total number of strikeguards is in doubt. A list provided by the board of commissioners shows 50 sames (pt. 15-D, exhibit 3595, p. 7012). McDade's count is 66 (pt. 7, exhibit 910, p. 2712). The newspapers say there were 75.

that it was "ready," then shipped in 300 men to work on the docks. The stage was set for the usual clash between the strikeguards and the strikers.

E. J. McDade's version of the battle is as follows:

That night there was some firing at the outposts of the Port by the picket men. The next day we sent a truck in for some provisions for the guards. When the truck returned the driver and two men were ambushed and killed. The strikers opened up from the protection of the woods and the swamps—about three or four hundred of them, I should imagine. They were armed with 30-30 rifles. We returned the fire with machine guns and gas, and riot guns and pistols. The battle lasted from 10 in the morning until 5 at night. In order to protect the stevedores who were on the job working in there, we had to get them on a boat and take them down through the intercoastal country into Texas. The Port authority was fearful of another gun battle that night and the Government declared a truce. The guards returned to Lake Charles—to the Charleston Hotel—from Orange Tex. Hotel—from Orange, Tex., where we left the boat.1

The newspapers gave a different version of the outbreak:

The battle started shortly after noon yesterday when Santon and three other guards were returning to the docks from a trip in a truck to town to get provisions.

Guards crossed the railroad "dividing line" to escort the truck in. Shooting from both sides then began.2

Three of the guards were killed in the affray and eight were wounded. Those killed were William Blake and L. Santon, of Pittsburgh, Pa., and William F. Gass of Louisiana.3

As a result of this battle, Gov. O. K. Allen closed the port by executive order pending settlement of the dispute.

The strikeguards felt that they had been badly used:

When we returned to the hotel we were paid off by Mr. Bomboy, the local manager of the R. A. & I. While we were being paid off an argument started between some of the men and Mr. Bomboy. We felt that we were actually put on the spot and that some of us had to be killed in order that the Port authority would get a federal injunction. The Port was closed for 10 days—until Judge Dawkins issued a federal injunction restraining the strikers from interfering with the operation of the port.4

SECTION 5. STRIKE AT THE OHIO RUBBER CO., WILLOUGHBY, OHIO, FEBRUARY 18-28, 1935

The Ohio Rubber Co., of Willoughby, Ohio, joined the Associated Industries of Cleveland on August 11, 1933. A strike of its employees occurring in February of 1935, which was marked by violence and intense bitterness, was the culmination of a labor-relations policy based upon a refusal either to enter into a written agreement with the union of its employees or to recognize that union as exclusive bargaining agent for its employees.

The committee investigated the labor relations of the Ohio Rubber Co. in connection with its examination of the Associated Industries of Cleveland. Situated close to Cleveland, the Ohio Rubber Co., engaged in the manufacture of rubber products and the vulcanizing of automobile running boards, employs approximately 900 workers.

In July 1933, as a consequence of the introduction of the unit system of compensation, the employees struck briefly and spontaneously.

<sup>1</sup> Pt. 7, exhibit 910, p. 2713, affidavit of E. J. McDade.
2 New Orleans Times-Pleayune, October 23, 1935.
4 Pt. 15-D, exhibit 3595, p. 7912, and affidavits of E. J. McDade, pt. 7, exhibit 910, p. 2713, pt. 15-D, exhibit 3733, p. 7200.
4 Pt. 7, exhibit 910, p. 2713, affidavit of E. J. McDade.
4 Pt. 21, pp. 9140 ff, testimony of Dallas Williams, officer in the local union of rubber workers in the Ohio Rubber Co.; of Mr. Charles Lanning, president of the union, and of Franklin G. Smith, president of the Ohio Rubber Co.

This strike was called off after a promise by the plant manager that the company would deal with elected representatives of the employees. Meeting on July 5 with the elected representatives of the employees, the management stated that it would organize a plan of employee representation. A spokesman for the employees stated that they wished to affiliate with the American Federation of Labor. July 11 the company promulgated a plan of employee representation, and announced an election for employee representatives. On July 15 the American Federation of Labor granted a federal charter to the representatives who had already been elected by the workers.

The announced election of representatives under the employee representation plan was never held, but the company began to bargain on July 20, 1933, with a group of employees, apparently chosen by it, which included only two of the representatives elected by the workers as the result of the abortive strike on July 3.1 Thereafter the company pursued a policy of playing the employee representation plan against the Federal local. At the outset the company took the position that it would not bargain at all with the union representatives. The visit of a Federal conciliator who asserted that the union represented a majority of the employees in the plant, did not change the situation, and on September 2, 700 employees responded to a strike call.2 This strike was terminated after the union had demonstrated its preponderance. The company agreed orally to bargain with the union.3

Contemporaneously with this strike the rubber company began to employ detective-agency undercover service. For the month of September 1933 it engaged National Corporation Service, Inc., a detective agency which, according to its own officers, was engaged principally in labor espionage.4 In October 1933 the Ohio Rubber Co. paid the Associated Industries of Cleveland for the services of an operative furnished by Corporation Service Bureau, a detective agency, in Cleveland.<sup>5</sup> This service was continued until the early part of 1935, when the Ohio Rubber Co. began to pay Corporation

Service Bureau directly for this detective-agency service.

The president of the company apparently did not know the purpose of the service rendered by Corporation Service Bureau, but R. A. Mertz, plant manager, testified that it was employed for the purpose ot uncovering thefts, destruction of rubber, and defects in operation.6 In 1936 the company engaged the Corporations Auxiliary Co., an agency engaged principally in industrial espionage, in addition to Corporation Service Bureau. In 1936 and in 1937 the company also employed Pinkerton's National Detective Agency, Inc. Pinkerton operative in the Ohio Rubber plant was a member of the United Rubber Workers.<sup>8</sup> Under cross examination Mr. Mertz, the plant manager, admitted that the reports from these detective agencies occasionally contained information concerning union matters.

<sup>1</sup> Pt. 21, pp. 9148-59, testimony of Franklin G. Smith, Charles Lanning, and Dallas Williams.
3 Pt. 21, pp. 9162 if and pp. 9172 if.
5 Pt. 21, exhibit 4202, p. 9297.
6 Pt. 21, p. 9262, testimony of William Frew Long and Franklin G. Smith. For data concerning National Corporation Service, see p. 20. See also pt. 1, pp. 176 ff, pt. 15-A. pp. 5401 if.
6 Pt. 21, p. 9096, testimony of Ralph Smith, head of the Corporation Service Bureau.
6 Pt. 21, p. 9208. See also testimony of Ralph Smith, p. 21, pt. 9098.
7 Pt. 21, p. 9203. For hearings on the Corporations Auxiliary Co., see pt. 4. See also pt. 21, exhibit 4226, p. 9334.

p. 9334. Pt. 21, p. 9206.

Pt. 21, pp. 9208-9209.

Altogether, from September 1933 to November 1937, the Ohio Rubber Co. paid \$8,280.20 for detective agency service, an extraordinary amount for a company of its size. The committee's record, however, indicates that detective-agency service is a usual concomitant

of an antiunion labor-relations policy.

During the period between the 1933 recognition strike and the strike in 1935 the company adopted various methods to frustrate collective bargaining with the union. Following the strike settlement in 1933 the company laid off a number of unionists.2 When the union complained to the Regional Labor Board, Franklin G. Smith, president of the company, in conformity with the attitude of the Associated Industries of Cleveland denied that the Board had jurisdiction.<sup>3</sup>

The membership of the union felt that it was under the surveillance

of spies and attendance at union meetings declined.4

Meanwhile the company signed an agreement with the company union. The demand of Federal Local No. 18284 that the company negotiate a contract with it was denied on the ground that "a plant can't operate with two agreements in the plant." 6 The union persisted in its efforts to negotiate with the company. The management was so evasive that the union, on January 15, 1935, sent the following letter by registered mail to R. A. Mertz, factory manager:

DEAR SIR: In accordance with the action taken in a special meeting Sunday, Jan. 13th last by the United Rubber Workers, Local Union 18284, I am hereby asking that you or other representatives of your company meet in joint session with the scale committee of the above named Local Union for the purpose of

working out an agreement, pertaining to wages and conditions.

Your failure to comply with this request by Wednesday, Jan. 16 not later than six o'clock P. M., will doubtless result in direct action being taken by the above

named Local Union.7

The effects of the company's nonrecognition policy are clearly evident in the urgent phrasing of the letter. The company met with the union on January 17 and said that any wage increase was impossible. On January 25 the company granted a blanket wage increase, which it attributed entirely to negotiations under the employee

representation plan.8

While the negotiations were still in process between the company and the union, additional armed "watchmen" were hired through the Associated Industries of Cleveland. Mr. Mertz, the factory manager, testified that these guards were hired for the purpose of protecting the property of the company, which feared that the employees would resort to sabotage. Whatever their purpose, the conduct of the guards was provocative. They followed the union leaders about the plant, and even into the company cafeteria. Charles Lanning, president of the union testified:

I noticed also that other workers were complaining and it was this action that so angered the workers that I have heard many of them say, "I would rather be in the penitentiary. I am a free-born American citizen trying to work and make a living for my family, and the plant being infested with guards walking among us, and if it was not just that I had to work here, I would not do it."

<sup>1</sup> Pt. 21, exhibit 4226, p. 9334.
2 Pt. 21, p. 9182, testimony of Charles Lanning.
3 Pt. 21, p. 9182, testimony of Charles Lanning.
4 Pt. 21, exhibit 4124, pp. 9312-9313. Much later, many of the unionists were reemployed; pt. 21, p. 9185, testimony of Mr. Lanning; exhibit 4226, p. 9334.
4 Pt. 21, pp. 9192-9195, testimony of Mr. Lanning; exhibit 4222, p. 9326.
5 Pt. 21, pp. 9211, testimony of Charles Lanning.
7 Pt. 21, exhibit 4229, p. 9336.
5 Pt. 21, pp. 9217, testimony of R. A. Merts.
7 Pt. 21, pp. 9220-9221.

That so aroused them that many of them came back to the organization during that period.

Gas and gas equipment invoiced from the Lake Erie Chemical Co. on January 26, amounting to \$162, were stored in the office of Mr. Mertz.<sup>2</sup> Cots and food were delivered in the plant. As a result of the company's policy the plant was a tinder box of fear and resentment.

The anticipated strike was called on Monday, February 18, for union recognition, seniority rights, and wage increases. A final desperate conference with the company on Sunday, February 17, had failed. William Frew Long, general manager of the Associated Industries, was present in person at the conference to give counsel. As soon as the strike began, the company secured 10 additional strikeguards from the Associated Industries of Cleveland, making a total of 15, in addition to the regular plant police.4 In addition, Mr. Mertz applied to the sheriff and county prosecutor for guards. Fifty men were hired by the county and city from the McGrath Detective Agency in Cleveland.<sup>5</sup> All these hired guards, as well as 31 citizens of Willoughby, were deputized, thus providing a force of 133 men. Tear gas and gas equipment purchased from the Lake Erie Chemical

Co. constituted the principal armament of the guards. A complete arsenal of jumper-repeater tear-gas candles, three long-range field guns, and a large supply of shells was shipped to the Ohio Rubber Co. on February 19 and 21. The total cost of this armament (including sales tax) was \$2,473.02.7 In addition, the company had the use of a demonstration long-range gun loaned by a Lake Erie salesman, and of a repeating gas gun purchased from the Manville Manufacturing Corporation. On February 25, additional gas supplies were secured which cost the company \$867.67. The gas equipment of the guards supplied by the county was also secured from the Lake Erie Chemical Co.<sup>10</sup>

The strike was only partially effective. Picket lines were established shortly after the strike was declared. Detailed instructions were given to the pickets to-

conduct themselves in an orderly manner but to be able to protect themselves in the event that guards came out of the plant and attacked them."

Violence characterized the strike, however, from its beginning. company had created an explosive situation. The course of its activities preceding the strike can justly be construed as incendiary.

There was a violent clash on the first night of the strike when deputies and employees wishing for get inside the plant attempted to pass through the picket line. By agreement with police officials the picket line was then moved away from the plant gate. 18 A major clash occurred early the following morning. A car carrying five or six deputies left the plant early on the morning of the 19th to get employees who wished to work.

<sup>1</sup> Pt. 21, p. 9218.

2 Pt. 21, exhibit 4233, p. 9339.

3 Pt. 21, pp. 9224-9226, testimony of Charles Lanning, William Frew Long, and R. A. Mertz.

4 Pt. 21, pp. 9235, testimony of R. A. Mertz.

4 Pt. 21, pp. 9235, testimony of R. A. Mertz.

5 Pt. 21, pp. 9236-9239.

7 Pt. 21, exhibit 4237, p. 9339.

9 Pt. 21, exhibit 4237, p. 9339.

9 Pt. 21, exhibit 4234, p. 9338.

10 Pt. 21, exhibit 4234, p. 9338.

11 Pt. 21, exhibit 4234, p. 9338.

12 Pt. 21, p. 9242, testimony of Charles Lanning.

13 Pt. 21, p. 9245, testimony of R. A. Mertz; and p. 9243, testimony of Charles Lanning.

13 Pt. 21, p. 9235, testimony of R. A. Mertz; Charles Lanning, Dallas Williams, and William Frew.cong. Long.

Dallas Williams, an officer of the union, testified that the car came from the plant, pulled up to the picket line, and that, without provocation, its occupants jumped out and started shooting tear gas. According to Mr. Williams, Harry McGrath, president of the McGrath agency, whose guards were hired by the county, was also present and did not recognize the men in the car, so it is probable that they were the guards supplied by the Associated Industries.1 When the car returned about an hour later, convoying working employees, Charles Williams averred that it stopped, the guards started gassing the picket line, and the pickets then started throwing bricks.<sup>2</sup> Mr. Mertz, who testified that he saw the incident from a second-story window in the plant, stated that the bricks were thrown first." So much gas was shot that the guards themselves suffered from its They had been given no training in its use.4

Thereafter, sorties of the guards, for the purpose of convoying food or employees, produced almost daily conflict. Nor were the conflicts confined to the plant vicinity. The guards provided by the Associated Industries drove through the main business streets of Willoughby, discharging gas guns indiscriminately. Mayor C. B.

Todd of Willoughby described their conduct:

Some of these men shot gas shells at some strikers near Longfellow School, and some of the school children near at the time got some of the gas. At this time these men were hauling in men and supplies from Cleveland, and met the men in front of the school building. The supplies were mostly food for men inside the plant. The men who shot the gas shells were in a car ahead of the Ohio Rubber Co. truck which was hauling the men and supplies.

One morning the Ohio Rubber Co. truck came up town in Willoughby to pick up supplies from some of the stores. It was piloted and guarded by some of

up supplies from some of the stores. It was piloted and guarded by some of these same men. They shot off a gas shell in the main street. I investigated this matter and am satisfied that it was some of Walker's men. This was on the main street of Willoughby. The flying shell injured a Woolworth sign. So

far as I know, no one got any of this gas.

These men made themselves a general damn nuisance. The thing that annoyed us most was the signs which they had got made some where, which said "Police Department", which signs they stuck on their cars and drove around with them.

As a result of their conduct, the mayor revoked the deputizations of

the guards furnished by the Associated Industries.

A letter from A. S. Ailes, vice president of the Lake Erie Chemical Co., to J. R. Keach, purchasing agent of the Ohio Rubber Co., dated March 11, 1935, after the strike, is a commentary on both the professional character of the strikeguards furnished by the Associated Industries to the Ohio Rubber Co. and the danger of entrusting to such persons weapons that should only be in responsible hands. The letter states in part:

Dear Mr. Keach: The records we have in regard to riot gun No. 2994, which disappeared from your factory, indicates that Mr. Gould made two deliveries of munitions. The second delivery was on February 19, and this gun was included in that delivery. The entire bunch of stuff was taken into Mr. Mertz's office and it included a complete long-range gun outfit in a case, and an extra gun. Mr. Mertz asked for another gun, and Mr. Gould delivered his demonstrator.

Pt. 21, pp. 9246-9247.
 Pt. 21, p. 9247.
 Pt. 21, p. 9248.
 Pt. 21, p. 9260, testimony of R. A. Mertz.
 Pt. 21, exhibit 4243, p. 9349. An affidavit of Mayor C. B. Todd.

I am inclined to believe that the gun must have been taken by one of the hired guards, and I believe that they also took other material. This belief is substantiated by the fact that we were called upon by the Chief of Police at Sandusky to disclose the purchaser of two of our jumper repeater candles. One of these candles has gotten into the possession of strikers in Cleveland and Sandusky Brewing Company and was thrown into an automobile containing a small child. The child was somewhat injured either by being struck with the candle or by the blast of the candle at very close range. The two numbers of jumper repeater furnished by the Chief of Police were traced down, and both of them were sold to the Ohio Rubber Company, and it is our belief that some of the same professional guards that were employed by you were sent to the Sandusky strike.

I have heard some of the guards were offering jumper repeater candles at \$2 each, and the natural assumption is that this would have to be stolen goods.

A letter dated November 28, 1938, from R. S. Bravard, chief of police of Sandusky, to David D. Lloyd, counsel of this committee, gives a fuller picture of the incident at the Sandusky Brewing Co., referred to by Mr. Ailes. The gas bomb was not thrown by strikers, as Mr. Ailes believed, but by strikeguards in the brewery in Sandusky. Two professional strikeguards, Victor Miller and George Minnert, whose strike records may be found in appendix C, on pp. 176-177, were arrested for the offense, on charges of mayhem, assault, and illegal possession of bombs. The Sandusky chief of police describes the incident as follows:

These two men were among a group of strikebreakers employed by the company, and were inside of the brewery, when a can tear gas bomb was tossed from inside of the building, into a group of strikers who were on a public street, the bomb jumped into a car of a noninterested party who was driving past brewery, and severely burned a young occupant of the car.<sup>2</sup>

After the picket line had been removed from the gate of the Ohio Rubber Co., the pickets established a rest camp on a vacant lot within sight of the plant. Shelter tents and a commissary wagon provided some comfort against the bitter winter weather. The guard offensive culminated in an attack upon this camp on Monday, February 25, exactly a week after the strike had been called.

The continuance of violence had resulted in a sheriff's order to the pickets to disperse. The guards enforced this order. En masse, they attacked the camp, gassed it, burned the shelter tents, and arrested about 40 pickets as violators of the peace. Mr. Mertz testified that this attack began after a truck manned by the guards had been stopped by pickets. Thereafter, according to Mr. Mertz:

\* \* \* The guards that were in the truck got out and the sheriff, who had a number of men back of the gate, sent his men up to see what was going on, and in the melee I think there were 40 or 42 men arrested for rioting. The tents were torn down. \* \*

As this melee started, as I say, the sheriff sent some men out from inside the plant, and during the course of the riot that occurred the tents were destroyed. I recall distinctly seeing one of the guards go over to the commissary wagon and open the door and motion for whoever was in there to come out and, if I remember correctly, there were three women and one man came out. After they came out gas was put into the commissary wagon.

This version was controverted by the testimony of two women, Mrs. Charles Lanning and Mrs. Dallas Williams, wives of union officials, who were working in the commissary wagon at the time that the picket camp was destroyed. Mrs. Lanning testified:

Pt. 21, p. 9233. See also pt. 2, exhibit 199, pp. 590-591.
 Supplementary exhibits, bearing on the Associated Industries of Cleveland, exhibit 6042-C.
 Pt. 21, p. 9256.

Then this Mr. Prall, Wilbur Prall, come from one of the tents to see what was going on, when somebody hollered, "Here comes the truck." Just as he got behind the truck, a shot was fired from behind a canvas, and he fell to the pavement, and they picked him up, and about that time somebody knocked on our kitchen door and I went to the door and he says, "Get the hell out of here," and then there was a short fellow, I don't know whether I would recognize him or not if I could see him, but I know he was short and dark complexioned and wore a cap, across Vine Street, and it was one of the guards. He said, "Blow the hell out of that kitchen." So, when my feet set to the ground, I no more hit the ground than they took me across the railroad tracks, shooting from all angles, and I had to stop on the New York Central tracks, not knowing whether I was going to be killed, and I would not have given a nickel for my life at that They were shooting from all angles.1

Mrs. Williams supported Mrs. Lanning's recollection:

So that when a truck came in it stopped right at the corner, so one of the boys just walked over to look in, and just as he looked in there was a shot of some kind. I suppose it was tear gas, but it him in the forehead, and he dropped to the pavement.

So the other fellows that were in the camp run out to see what was up. it made what people were in there mad, so they took after the truck, and just then the men poured out of the shop, just like bees would out of the hive; they just poured out. And they ran the men back. They ran some of them across the lot, and they came and burnt the tents and everything.

I came to the door. There was some women there. Mrs. Lanning here—of course, she can tell her own story—some of the women ran. I would liked to, but I couldn't find my coat. It had fallen down behind the bench we had in the kitchen.

So they hollered, "Burn the shack." Just then there was a crash at one of the ndows. Then there was fumes poured in there. I don't know if there was one that came through the window, I couldn't say, because I didn't see, but the fumes came in there so strong we just couldn't get our breath.2

The state of warfare was not confined to the picket lines and the area surrounding the plant. As has been noted the armed guards committed their depredations on the main streets and roads of the town. In addition a small group of union men, having no connection with the responsible leadership of the union, engaged in a series of violent acts, none of which, luckily, resulted in any personal injuries. Dynamite was found on a railroad spur; shots were fired at a transformer in the plant and dynamite was exploded near the home of one of the plant officials and at the homes of two employees identified with the company union. In addition the home of another plant official was shot at. Subsequent to the strike the company initiated an investigation into these acts through the services of a private detective named Frank Chase, who also had served as a strikeguard in Cleveland. Chase induced two of the men implicated in these acts to turn State's evidence, and the other four who were implicated either confessed or pleaded guilty and were sentenced.3

The armed guards and the defensive measures adopted by the company during the strike in no way impeded or prevented the commission of these acts of violence. If anything, the activity of the armed guards produced an atmosphere of bitterness and resentment conducive to the perpetration of such acts as a form of retaliation.

On February 28, 1935, the strike was concluded by a written agreement between the company and the union. It was the first time the company had ever set its signature on a piece of paper with that of

<sup>1</sup> Pt. 21, pp. 9259-9260.
2 Pt. 21, pp. 9259-9260.
3 Pt. 21, pp. 9258-9259.
3 Pt. 22, pp. 9415 ff, testimony of R. A. Mertz and Frank Chase; and pp. 9420 ff, testimony of R. A. Mertz.
See also pt. 22, exhibits 4276-A-4276-E, pp. 9539-9578.

the union officers, although it had concluded a written agreement

with the company union as far back as August 1934.

This agreement proved illusory. The company had no intention whatever of using it in good faith as a permanent basis for collective bargaining. The initial clause in the agreement stated that it was made between the company and such employees of the company as "are or may become members of the United Rubber Workers Federal Labor Union No. 18284, hereinafter referred to as the employees." When the union later attempted to bargain under the clauses of this contract it was informed that there was no agreement between the company and the union, and that it would have to present evidence

of its authority to represent any employees of the company.1

Few other examples in the committee's record show so clearly the function of armed guards as the culminating if not decisive factor in a pattern of labor relations based upon hostility to bona fide union organization. It was failure to deal in good faith with the independent representatives of its employees which precipitated the strike at the Ohio Rubber Co. in September 1933. Continued failure to deal in good faith, with resultant hostility and suspicion, was the dominating factor in precipitating the strike in 1935. The introduction of armed guards into the plant prior to the strike, and while negotiations were in process, embittered the employees and led them to anticipate violence immediately after the strike was called. However much blame may attach to the union for the conduct of its picketing, it is clear that the armed guards, particularly the professional strikeguards furnished by the Associated Industries of Cleveland, did nothing to police it adequately. On the contrary, their conduct deliberately provoked the pickets to violence and retaliation. After the harm had been done by these professional strikeguards their deputy commissions were revoked, but no criminal or civil action was taken against them for their illegal conduct. By the time the commissions of these men had been canceled, a state of almost open warfare had been produced between the deputies and the pickets, in which the most powerful weapons were in the hands of the employer. This state of violence served as justification for the suppression of the picket camp and the defeat of the strike.

<sup>1</sup> Pt. 22, pp. 9443 ff., ibid; p. 9446; pt. 21, p. 9261, ibid., ex. 4247, p. 9352; testimony of Charles Lanning, of Charles K. Arter, attorney for the Ohio Rubber Co. and the Associated Industries, and of William F. Long, general manager of the Associated Industries.

# CHAPTER IV. THE CHARACTER OF STRIKEGUARDS OR STRIKEBREAKERS AS REVEALED BY THE COMMITTEE'S RECORD

Previous investigations indicate that both the strikeguard and the strikebreaker have developed into distinct occupational types. The committee's record conclusively shows this to be the case and demonstrates the existence of considerable bodies of men who make it a practice to take strike jobs either in the capacity of guards or of strikebreakers. These men form a distinct class with peculiar characteristics and designations. There are distinctions within this class between the guard, who is called, in the language of the profession, a "noble", and the strikebreaker, although this distinction may be obscured in specific instances. There seems to be a certain esprit de corps among these men which leads them to differentiate themselves from and to look down upon those who permanently replace striking workmen. Such persons are called "scabs" by professional strikebreakers as well as by unionists. The committee's record also shows that men who engage in strike work congregate in large cities or industrial centers and can be readily recruited through a word-of-mouth "grapevine." Persons who are conversant with the ways of the strikebreaking profession can recruit large numbers of strikebreakers with ease in almost any large American city. The detective agencies employ men who are familiar with the strikebreaking class as their recruiting agents. Such persons may, however, recruit on their own account, or set up in business for themselves. The committee's record also demonstrates that men available for strike work are generally socially maladjusted; that they constitute a sort of underworld and many of them have criminal records or are professional criminals.

#### SECTION 1. THE PROFESSIONAL STRIKE FOLLOWER

In the course of its investigation the committee called as witnesses a number of persons who had long been engaged in the strikebreaking business, either as officials of the agencies or as rank and file strikeguards or strikebreakers. Their testimony concerning the men who make up the strikebreaking class is at the same time startling and authoritative. One of the most competent witnesses on this subject was A. E. Lawson, who has been referred to above as secretary both of National Corporation Service, Inc., and its strikebreaking affiliate, Allied Corporation Service, Inc. These two agencies had their head-quarters at Youngstown, Ohio. Mr. Lawson entered his employment with these agencies in the fall of 1932. He first testified before the committee on September 23, 1936, at which time he had already abandoned his affiliation with the two agencies.<sup>2</sup> The activities of Allied

<sup>&</sup>lt;sup>1</sup> See p. 100. <sup>3</sup> Pt. 1, pp. 176 and 177 ff. See also p. 20.

Corporation Service, Inc., covered Ohio and western Pennsylvania.<sup>1</sup> Mr. Lawson's testimony concerning the methods used to recruit strikebreakers or strikeguards, and the characteristics of these men, deserves extended quotation:

Senator La Follette. How do they recruit for a strikebreaking job?
Mr. Lawson. We had a man by the name of John McCabe with the Allied Corporation Service who was experienced on that kind of work and all he had to do was to put the word out in Cleveland, New York, or Chicago and we could get all the strikebreakers we needed.

Senator LA FOLLETTE. Do you understand the term "fink"?

Mr. LAWSON. Yes, sir.

Senator LA FOLLETTE. Is that a common word in the business?

Mr. Lawson. It is.

Senator LA FOLLETTE. What is a fink?

Mr. Lawson. A strikebreaker.

Senator LA Follette. Do they ever use employment agencies; do you know?

Mr. Lawson. Sometimes; yes.

Senator LA FOLLETTE. And after they get into the business of strikebreaking do they keep records or do they not keep records of finks, or strikebreakers, the company itself?

Mr. Lawson. Oh, yes; we have always had a record of our finks.

Senator LA FOLLETTE. Is it quite customary where you get a strikebreaking job to ship these men in interstate commerce from one state into another?

Mr. Lawson. Yes, sir.

Senator LA FOLLETTE. What are the principal sources, so far as you know, of recruiting finks, or strikebreakers?

Mr. Lawson. The two main points are Chicago and New York.

Senator LA FOLLETTE. And other subsidiary points would be what?

Mr. LAWSON. Other subsidiary points would be Cleveland, and we did pick
up a few men in Columbus, and Newcastle, Pa.
Senator LA FOLLETTE. Now, what types of men do they get for the strikebreaking work? Do they make any careful survey of their qualifications and their character?

Mr. Lawson. They take anybody that comes along.

Senator LA FOLLETTE. What percentage of the finks, or strikebreakers, are

usually actual workers, men who know how to work in a plant or factory?

Mr. Lawson. Well, it is hard to say just what percentage would be actual workers. We used to try to get men experienced along certain lines and they would turn up on the job—in one case as a hosiery salesman that we expected to be a lineman.

Senator LA FOLLETTE. You mean an electrical lineman?

Mr. LAWSON. Electrical lineman.

Senator LA FOLLETTE. Did he go out and try to service any high-tension lines that you know of?

Mr. Lawson. Not before we found it out.2

Senator Thomas. This morning a witness said a strikebreaker never took another man's job, he just went in and acted like a workman instead of being a workman.

Mr. Lawson. Don't 95 percent of them act like a workman instead of being

a workman?

Senator Thomas. There could be such a thing as an honest scab, couldn't there?

Mr. Lawson. I believe so.

Senator Thomas. You do not find them often?

Mr. LAWSON. Not very often.

Senator Thomas. Do you find honest strikebreakers? Mr. Lawson. Few and far between.

Senator Thomas. These men have made up their minds to make this their life's work?

Mr. Lawson. They work at it for years, but there is always something wrong with most of them, or they wouldn't be in that business.

<sup>1</sup> It also had some business in New Orleans, particularly during the longshoremen's strike of 1932. For this it recruited men in Ohio. See pt. 15-A, exhibit 1830, p. 5443, an affidavit by Roy Eubank; and exhibit 1833, p. 5450, an affidavit by A. E. Lawson.

1 Pt. 1, pp. 182-183.

2 Pt. 1, pp. 195.



Another competent witness on this subject was E. E. Miller, of New York City, who had been employed in a supervisory capacity by the Railway Audit & Inspection Co. While with that company he had participated in both the espionage and strikebreaking phases of its business. It was among his duties to edit apy reports. He had also worked for the New Jersey Engineering Co., a strikebreaking agency, organized by the Railway Audit & Inspection Co. solely for the purpose of handling a strike of elevator operators in New York Mr. Miller indicated the existence of a class of habitual strikebreakers:

strikebreakers and the nobles generally follow these strikes. In other words, where a rumor goes around there is to be a strike in a certain plant, as soon as these men find out which agency handles it why they are all the same crew; you see the same crew year after year and year after year. I believe some of these men have been following it for 30 and 40 years.<sup>2</sup>

The testimony of William Frew Long, general manager of the Associated Industries of Cleveland, which has been quoted above, shows that the same class of men exists in Cleveland. There, according to his testimony:

Those men have a hang out, as you would call it, and in addition to that, as soon as there is in the paper—I presume it is true everywhere—news of a chrike, those fellows just go out there in hordes, wanting a job as guard, so it is no trouble to get guards at all.3

Further on Mr. Long added the following information about the men who work on strike jobs:

These fellows every once in a while, drift in and want a job, and we don't even keep their names and addresses, because they are necessarily transient sort of people. Anybody who wants guards walks up Ninth Street, and they can always find some one man, it doesn't make any difference who it is, looking for jobs of that kind.

No less conclusive as to the existence of a strikebreaking class was the testimony of a number of strike lieutenants and rank-and-file strikebreakers heard by the committee. Sam Cohen, alias "Chowderhead," alias Sam Goldberg, alias Charles Harris, of New York City, testified as follows:

Senator LA FOLLETTE. What is your line of work? Mr. Cohen. I work as a guard on strike jobs or a watchman. Senator La Follette. How long have you been in that kind of work? Mr. Cohen. Well, off and on, I have been working about 20 years.

Senator La Follette. What agencies have you worked for? Mr. Cohen. I work for any agency that pays me the price.

Michael Casey, of New York City, testified that he had worked on strike jobs for "pretty near all" the detective agencies. 

Jack Fisher, who had worked for "quite a few detective agencies around New York City," testified:

You see, this business, you know, is just like a club of boys that hang around certain spots, and one tells the other what is doing.

<sup>1</sup> Pt. 1, p. 133.
2 Pt. 1, p. 138.
3 Pt. 20, p. 8786, testimony of William Frew Long.
4 Ibid. See also pt. 22, p. 9401, testimony of John H. Walker of the Associated Industries of Cleveland, concerning the recruiting of guards for the Addressograph-Multigraph Corporation strike, May 1935.
4 Pt. 1, p. 142.
4 Pt. 1, p. 167.
7 Pt. 1, p. 168.

<sup>&</sup>lt;sup>†</sup> Pt. 1, p. 148.

Senator Thomas. Is there a union? Do you have officers in this club?

Mr. Fisher. No; no officers. I tell you in this business nobody trusts each other, so they can't have any officers.

Senator Thomas. A new kind of business, isn't it?

Mr. Fisher. It is not the best in the world.1

Matthias B. Cronk, who was called to testify concerning his activities as a strikeguard in the pay of the Republic Steel Corporation, at Massillon, Ohio, during the "Little Steel" strike of 1937, testified as follows:

Senator LA FOLLETTE. What is your occupation?

Mr. Cronk. I have been an industrial guard for close to 30 or 35 years, I guess.

Senator LA FOLLETTE. Have you ever worked for any agencies?

Mr. CRONK. Yes, sir.
Senator La Follette. Which ones?

Mr. CRONK. Throughout the country from Blackjack Jerome in San Franciscoto Bergoff in New York-I have worked for all of them.

Senator La Follette. Have you ever worked on any strike jobs?

Mr. Crónk. All strike jobs.

### SECTION 2. QUALIFICATIONS OF STRIKEGUARDS AND STRIKEBREAKERS

The men who serve on strike jobs may be classified either as strikebreakers or as strikeguards. Many strikes require strikebreakers who are qualified to some extent in the type of work which they are called upon to perform or to make a pretense of performing. committee's record indicates that the strikebreaking agencies occasionally attempt to recruit men qualified to take the places of the strikers. In other strikes, however, no particular degree of skill is required, and the professional fink can act as a workingman on such jobs. Members of the strikebreaking class, however, apparently prefer to consider themselves as guards. If there were any statistics available for the strikebreaking industry they would probably show that the men with the greatest number of strike jobs to their credit serve more often as guards than in any other capacity. The strikeguard is the more distinct occupational type, the professional who moves back and forth over the country, but he does not, in every case, serve as a guard.

Michael Casey, who testified before the committee, illustrates the varying functions of the professional strike follower. He testified that he had been hired through the Bergoff Service Bureau to take charge of a number of strikebreakers who were sent from New York City in the Remington Rand strike. Arrived at the scene of the strike Mr. Casey was instructed to separate the men under his control, to place them in different boarding houses, and then to have them mingle with the strikers and "get what they can get." Senator Thomas questioned him concerning this phase of strikebreaking as follows:

Senator Thomas. What do you call these men that go out and mix with the strikers?

Mr. Casey. That is their job; they are sent out to do that work.

Senator Thomas. What do you call them?

<sup>1</sup> Pt. 1, p. 155. See also the testimony of William Harper, pt. 1, p. 139, and of E. J. McDade, pt. 1, p. 117.

1 Pt. 33, hearings on the Republic Steel Corporation.

2 N. L. R. B. 626, p. 718. See also pt. 18, exhibit 3861, pp. 7998-7999, findings of the Board in the Remington Rand case concerning the efforts of Capt. N. S. Shaw, well-known strike lieutenant, to secure competent employees for the Remington Rand plant in Middletown, Conn.

4 Pt. 1, p. 157.

Mr. Casey. Everybody hires as practically the same; everybody hires as guards. Then, after they get on the job, they are told what to do; whoever is in charge of the job would tell them what to do.

Senator Thomas. They would not be doing any guard work, would they?

Mr. Casey. They wouldn't be doing guard work; no.

Senator Thomas. But they are still called nobles?

Mr. CASEY. That is the phony name they have got for them.1

At the beginning of his examination, Mr. Casey stated that his occupation was "turbine operator; power-house worker." He then went on to state that he had worked for the Railway Audit & Inspection Co. in the Public Service strike in New Orleans in 1929, and on the Bush Terminal strike in New York City in 1935. It was in May of 1936 that he had been sent by Bergoff to the Remington Rand plant at Ilion, N. Y., where he and his men acted as missionaries and mingled with the strikers. Immediately thereafter he went to a strikebreaking job in Baltimore,2 and returning to New York, was sent by Bergoff to Middletown, Conn., 'to act as a millwright in Mr. Rand's strike drama there.' In none of these jobs did it appear that he had acted as a "turbine operator."

As the testimony of Mr. Lawson, quoted above, indicates, attempts by strikebreaking agencies to recruit qualified workmen to take the place of strikers, are fraught with difficulty. The National Metal Trades Association, because of the specialized character of its membership, might be supposed to be able to provide strikebreakers qualified in the machinist's trade. Yet it is apparent from the record that even this association, familiar as it was with the metaltrades industry, was unable to supply competent workmen for strike The National Labor Relations Board, investigating a strike at the S. L. Allen Co. in Philadelphia, Pa., which occurred in January 1936, found that the strikebreakers recruited by the National Metal Trades Association were secured from other cities, that many of them were unaware that they were to be employed in a strike, that several had criminal records, and that one made an unprovoked assault with a knife on a striker.4

In some strikes it appears that a necessary minimum of skilled workers is recruited and the other vacancies are filled up by professional strikebreakers. C. M. "Red" Kuhl, who had been an employee of the Railway Audit & Inspection Co. and National Corporation Service. testified that at a strike of the linemen of the Pennsylvania-Ohio Power Co. in Youngstown, Ohio, in 1926, from 100 to 125 strikebreakers were supplied. According to Mr. Kuhl, while "quite a number" were recruited from Chicago, and a few from New York, some were skilled men from Pittsburgh, where they had formerly been employed by the Duquesne Light Co. Similarly, at a streetcar strike in New Orleans in 1929, according to Mr. Kuhl, experienced streetcar operators were recruited from Buffalo, but a large part of the 1,050 strikebreakers supplied by the detective agencies had no experience in operating a street railway, and acted as guards of the operators and the car barns.

<sup>&</sup>lt;sup>1</sup> Pt. 1, p. 166. <sup>2</sup> Pt. 1, p. 163. <sup>3</sup> See p. 123. <sup>4</sup> Pt. 3, exhibit 442, p. 1074; 1 N. L. R. B. 714, pp. 724-725. See also p. 30. <sup>3</sup> Pt. 1, pp. 197-198.

It is clear from much of the testimony that men recruited for strike jobs often do not know what their function is to be before they arrive on the scene of the strike. E. J. McDade, who testified that he had worked for Bergoff and the Railway Audit & Inspection Co. as an investigator and guard and also for railroads as a police officer, described in detail his part in recruiting men for a strike at the Milwaukee Electric Railway & Light Co. in Milwaukee, Wis., during June and July of 1934.1 He testified that there were about 700 strikebreakers on that job, brought in from Chicago and New York City by the Bergoff Service Bureau. McDade himself brought several bus loads of men to Milwaukee from Chicago. His testimony as to the duties of these men when they arrived at the power plant outside of Milwaukee is as follows:

Mr. McDade. I brought the men to the power plant outside of Milwaukee.

Senator LA FOLLETTE. And turned them over to whom?

Mr. McDade. Well, I stayed right there with them.

Senator, LA FOLLETTE. You were a sort of a boss of that particular bus load, or two bus loads of men?

Mr. McDade. Yes, sir. Senator La Follette. Were those men actually put to work?

Mr. McDade. No, sir. Senator La Follette. What did they do with those three or four hundred men? Mr. McDade. They told them to stand near the fences and keep the people out in case there was a crush in.

Senator LA FOLLETTE. Were they armed?

Mr. McDade. Well, they furnished the men with pickax handles.

Senator LA FOLLETTE. Pickax handles?

Mr. McDade. Yes.

Senator LA FOLLETTE. They passed them out to about 700 men?

Mr. McDade. Well, there was not 700 in that particular spot; there were about 200.

Senator LA FOLLETTE. And what other protection did the company install

Mr. McDade. Steam hoses connected up with boilers.

Senator LA FOLLETTE. So they could turn live steam on the pickets? Mr. McDade. Yes, sir.<sup>1</sup>

Another example of the fact that strikebreakers or strikeguards are often ignorant of what their functions are to be is provided by the testimony of ("Eat 'em up") Jack Fisher, who testified that he had acted as a guard or "noble" on a number of strikes:

Senator Thomas. Were you employed in Middletown, Conn., during the Remington Rand strike last June or July?

Mr. FISHER. I was; yes, sir. Senator Thomas. Whom did you work for?

Mr. Fisher. I worked for Mr. Howland. He is general superintendent of that plant.

Senator Thomas. Did he have charge of this job?

Mr. Fisher. Yes; he is general superintendent of the plant. Senator Thomas. He hired the guards personally, did he?

Mr. FISHER. Well, we were turned over to him, and he instructed us as to our duties.

Senator Thomas. You were turned over to him?

Mr. FISHER. Yes, sir.

Senator Thomas. Who turned you over?
Mr. Fisher. Well, I was told to go up there by one of the men that hangs around the street where these fellows hang out, and there would be a job up there for me.

<sup>1</sup> Pt. 1, pp. 126ff. (Described in the witness's testimony as the "Wisconsin Light & Power Co.")

Senator Thomas. Who was this man?

Mr. Fisher. Well, I can't recall his name.
Senator Thomas. Whom does he work for?
Mr. Fisher. Well, he works for different agencies I presume.
Senator Thomas. Did he give you a ticket to go?

Mr. Fisher. Yes, sir; he gave me a ticket to go. Senator Thomas. He had a ticket?

Mr. FISHER. Yes, sir.

Senator Thomas. So you knew you would be hired?

Mr. Fisher. He gave me instructions where to go and who to report to; yes,

Senator Thomas. But you do not know who was his boss?

Mr. Fisher. No, sir; I do not. Senator Thomas. Was it part of your game not to ask any questions?

Mr. Fisher. In this game there are so many men looking for work, so much competition, that you take the job and don't ask any questions, because when you are in this game you know what you are up against.

Senator Thomas. Did you go up as an ordinary strikebreaker?

Mr. Fisher. I went up as a guard.

Senator Thomas. How many men did you have under you?

Mr. Fisher. When I got there I was appointed a roundsman, and there was

Senator Thomas. Appointed what?

Mr. FISHER. Roundsman.

Senator Thomas. Roundsman. What is a roundsman?

Mr. Fisher. He is the fellow that goes around to the different posts and sees the men are on the job and not sleeping, and holding their posts down.1

On the whole, the committee's record indicates that in the strikebreaking business there is a continual blurring of the distinction between the strikebreaker and the strikeguard. Apparently less public disapproval attaches to the vocation of strikeguard than to that of strikebreaker. It is probably for this reason that most of the habitual finks who testified before the committee laid stress upon their experience as guards. The finks are sometimes men who havehad a trade, but it is only in rare cases that their selection is based

upon their occupational qualifications.

The lack of differentiation between the strikeguard and the strikebreaker can be explained by the fact that in practice, the strikebreaker is not expected to be an efficient replacement. It is his function to make a show of working. Michael Casey testified that at the Remington Rand plant in Middletown, the strikebreakers "just hung around and sat around on benches and chairs, didn't do anything at all." 2 Employers are fortunate when the strikebreakers remain inactive. If they try to run the plant, according to William Frew Long, general manager of the Associated Industries of Cleveland, "these strikebreakers after all do more damage, not being experienced, than they do good, to machinery and so on and so forth." 3 It is somewhat more surprising, perhaps, that there is no differentiation between the strikeguard or strikebreaker and the strike propagandist, known in the trade as a "missionary" or "street operator." As indicated by Mr. Casey's testimony, quoted above, men who are hired as guards or strikebreakers may be called upon to mingle with the strikers as

<sup>&</sup>lt;sup>1</sup> Pt. 1, pp. 150-151.

Pt. 1, p. 165. Pt. 20, p. 8787, testimony of William Frew Long.

"missionaries" or "street operators." It is true, of course, that some professional strikebreakers would be completely incompetent to make persuasive arguments in conversation. Jack Fisher did not even understand the term "missionary" and stated "I am just a plain noble, a guard as you call it." 2 C. M. Kuhl, on the other hand, while he thought the term "street work" preferable, was well versed in the techniques of strike propaganda. His testimony is as follows:

Well, there is different kinds of street work. For instance, if we are going to talk about this New Orleans job, the street operators, they are supposed to get out and make connections with different union men, or preferably a union official and find out his sentiment and write it in; talk to the businessmen and talk to the wives and the mothers and daughters of these striking workmen that are out of work, and propaganda them, tell them that this strike is silly, "You are losing a lot of money, and why not call it off and get back to work?" And tell the businessman, "You are losing a lot of money. You don't have any income, and why not see how you could work it with the city council or the mayor to call this strike off?"

Mr. Kuhl, a professional strikebreaker and strikeguard, had engaged in a propaganda campaign carried out by National Corporation Service to influence the people of Bellevue, Ohio, against voting in favor of a municipal power plant.4

In short, the detective agencies require only that their missionaries have a certain minimum conversational ability. Mr. Lawson, secretary of National Corporation Service, pointed this out to Senator

Thomas:

Senator Thomas. In the organization of campaigns against the creation of city light plants, or something of that kind, do you use a different sort of operative? Mr. Lawson. No; not necessarily.

Senator Thomas. Can you send an ordinary-

Mr. Lawson (interposing). Anybody that can go out and do a favorable line of talking can work on that kind of a case.

Senator La Follette. Just rough and tumble, as it were? You do-not ever

try to tone it up?
Mr. Lawson. There is not need of it. Senator Thomas. You do not have to?

Mr. Lawson. They just go out and talk about the municipal plant and the benefit of continuing under the power company that they are using at the present time.

It would be a mistake to suppose that the men who engage in strike work have any conscious animus against unionism or labor organization. Strikebreaking is not a matter of principle with them but simply a matter of livelihood. Senator Thomas brought the question up in his examination of A. E. Lawson, secretary of National Corporation Service:

Senator Thomas. Do they develop a hatred of union men or is it just on general

Mr. LAWSON. I don't know as any hatred exists. It is just you get out and I will take your job until you come back to work.7

If anything, the strikebreaker is on the defensive in his attitude toward the strikers with whom he comes in contact. He seeks to

<sup>1</sup> See p. 120. See also pt. 1, p. 162, testimony of Michael Casey. "Chowderhead" Cohen had acted as a "missionary." See pt. 1, p. 147.

1 Pt. 1, p. 155.

1 Pt. 1, p. 201.

4 Pt. 1, p. 200. See also exhibit 184, pp. 342 ff, payments by Ohio Power Co., and pt. 15-A, exhibit 1833, p. 5454.

Women are sometimes employed as missionaries. See data on Mary Javorsky, Margaret Byers, Barbara Purnell, Mary Folsom, Mrs. H. R. Hill, Margaret Husk, and Hazel Strothers, pt. 1, exhibit 187, pp. 359 ff and exhibits 1832 and 1834, pt. 15-A, pp. 5447 ff and pp. 5455 ff.; see also pt. 1, p. 186, testimony of A. E. Lawson.

Lawson.

• Pt. 1, pp. 194-195.

• Pt. 1, p. 105.

justify an occupation that meets with such widespread disapproval. Jack Fisher testified:

Oh, on jobs I have been on I have had strikers come up to me and say, "You shouldn't do this kind of work, taking our jobs away from us." And I would tell them, "I am not taking your job. I am simply protecting the company's property. I am not doing your particular work."

Michael Casey had this same attitude. Senator La Follette asked a question which implied that Mr. Casey, in his activities in the Remington Rand strike, was acting as a scab. The response was immediate:

A scab and a strikebreaker is different. A strikebreaker doesn't want anybody's iob.2

It may be that Mr. Casey's distinction was simply a reflex of selfjustification. A. E. Lawson stated that he did not know that any difference existed between a scab and a strikebreaker.3 There are, however, certain broad social considerations that give weight to Mr. Casey's remark. The purpose of the strikebreaker, as he recognized it, is simply to destroy union organization or to prevent workers from achieving collective gains. In the long run, however, the strikebreaker does not create the social havoc caused by the permanent replacement, who not only prevents the striking workman from furthering his collective cause and increasing wages, but throws him out of employment, impoverished, and a possible charge upon the community.

## SECTION 3. RECRUITING CENTERS FOR STRIKEGUARDS AND STRIKE-BREAKERS

In the large metropolitan centers, the strikebreakers have certain street corners or areas which constitute focal points for the exchange of information. These places are not unlike open markets for strike-As has been noted above in the discussion of the Associated Industries of Cleveland, the Cleveland rendezvous for strikebreakers is at Ninth and Euclid Streets, near the offices of the Associated Industries. C. M. Kuhl described the centers in other cities:

There is a kind of an underground grapevine system that puts out this call, and

everyone hears it. They have certain places they congregate.

For instance, in New York they have got a certain place at Forty-second and Broadway. In Chicago it would be down in the Loop around Randolph Street. In Philadelphia, for instance, it is down around the Reading Depot. And one of them will hear about it. For instance, these agencies will put out the word to one fellow, and he will go down and spread the word, and they are all around

there looking for the job.

The existence of these recognized markets or recruiting grounds makes it possible for the itinerant fink to find jobs in different cities. It releases him from dependence upon the agency or strikebreaking service with which he may have been affiliated. It also enables anyone conversant with the fink underworld and its habitat to assemble a crew of strikebreakers or strikeguards on short notice. The strikebreaking markets constitute a reservoir which, given the peculiar knowledge and experience necessary, may be tapped by

<sup>1</sup> Pt. 1, p. 152.
2 Pt. 1, p. 165.
3 Pt. 1, p. 195, testimony of A. E. Lawson.
4 Pt. 1, pp. 198-199. See also pt. 7, exhibit 910, p. 2713, affidavit of E. J. McDade.

detective agencies, by individual entrepreneurs, employer associations,

or the employer himself.

Even those agencies which make an effort to secure guards of reputable character, are often compelled to rely upon these reservoirs of strikebreakers and strikeguards for their recruits. Raymond J. Burns, of the William J. Burns International Detective Agency, Inc., testified that, while they sought to recruit guards from police department and fire department lists of eligibles, or from their own list, they would in an emergency fall back on newspaper ads or word-of-mouth methods of recruiting. The Burns agency furnished a little over 600 guards in the New York City elevator strike in 1936, of whom several hundred were new to the rolls of the Burns agency. These men were hired without any examination of their antecedents or their qualifications.2 There is nothing to indicate that they were not recruited from the streets in the same fashion as the guards supplied by the Railway Audit & Inspection Co.,3 the Sherwood detective agency,4 and the Bergoff Service Bureau, in the same strike.

It may be doubted that even the Burns agency found it possible to use other than habitual strikebreakers or strikeguards with any great success. The manager of their San Francisco office wrote to his superior in New York concerning various strikes in Los Angeles in 1934. He complained that two of the agency's regular employees

were of little use on strike work:

They both did not relish the idea of going down to the water front and get beaten up. As a matter of fact, the general investigator is worthless in strike matters. You have to have a regular fink.

In all the strikes I handled, I always secured men who knew the business and

my assistant or myself stood beside and we watched the pay roll and kept things

going. 7

Men who know the business are the "regular finks"; they are available through the grapevine in almost every large industrial city.

## SECTION 4. THE STRIKE LIEUTENANT

Strikebreaking has its career men. They rise from the ranks and move toward the goal of setting up an agency of their own. The first step-up from the ranks is to become a strike lieutenant, whose function it is both to recruit the strikebreakers and to command them on the job. Every agency has a number of trusted lieutenants, like the John McCabe referred to in Mr. Lawson's testimony,8 who can assemble a crew of strikebreakers under pressure in almost any city in the country. These lieutenants are rewarded in proportion to their services, but there is nothing in the record to indicate that they receive a regular salary or stipend from the agency for which they

testimony of Sam Cohen.

<sup>1</sup> During the Little Steel strike of 1937 the Republic Steel Corporation through James L. Williams, superintendent of police, employed a number of professional strikeguards, including Matthias B. "Whitey"
Cronk (see appendix C, p. 196) without the intervention of any agency. Pt. 33, hearings on the Republic
Steel Corporation.

1 Pt. 8, pp. 2854, 2855, testimony of Raymond J. Burns.

1 Pt. 1, pp. 133, 134, testimony of E. E. Miller. The Railway Audit & Inspection Co. handled its strikebreaking business during the elevator strike through a subsidiary known as the New Jersey Engineering
Co. and organized for that particular strike alone

4 Preliminary hearings on S. Res. 266, p. 120 ff, testimony of James J. Bambrick. See also pt. 1, p. 142,
testimony of Sam Cohen.

<sup>\*</sup>Bid.

\*Pt. 8, exhibit 1019, pp. 3134-3135.

\*Pt. 8, exhibit 1019, p. 3135.

\*Pt. 1, pp. 182-183, see p. 66.

Like the rank and file strikebreaker, they are paid only while on the job. On the job, they make up the pay rolls, dispose the forces, and control the activities of the finks, insofar as their behavior is susceptible to command. These lieutenants tend to shift from agency to agency, as fortunes vary within the industry, and frequently break away to handle jobs on their own account or to set up as indi-

vidual entrepreneurs.

At the great New Orleans Public Service Co. strike in 1929, there was a well-defined hierarchy of command. E. E. MacGuffin was in charge of the job for the Railway Audit & Inspection Co. Under MacGuffin were eight lieutenants; C. W. Williams, also known as "Whitey" or "the Beilermaker," who had as his aides-de-camp Tom Allen, Jack Conway, C. M. "Red" Kuhl, Jack Fisher (Kuhl and Fisher testified before the committee), one Perry, from Cleveland, John McCabe, who later went with E. E. MacGuffin as his chief lieutenant when he set up National Corporation Service, and Joe Brown,2 who later became chief in command of the Bush Terminal strike in New York for the Railway Audit & Inspection Co. in the fall of 1934.3

The Railway Audit & Inspection Co. had other prominent lieutenants, among them Benjamin "Weasel" Epstein, who later set up in business for himself, and E. J. McDade, who recruited part of the strikebreakers and guards for the Wisconsin Electric Railway & Light Co. strike.

As has been fully explained above, the Associated Industries of Cleveland relied upon its strike lieutenants, principally Benny Gross and Frank Marquard, both to recruit and command its strikebreakers.

Because of the large profits available in strikebreaking, the more competent lieutenants are often tempted to transform themselves from agents into principals and to recruit men on their own account. Charles Smith, labor spy and strike lieutenant for the Railway Audit & Inspection Co., described this tendency:

Senator LA FOLLETTE. How about this business; is there quite a lot of competition between these various agencies?

Mr. Smith. Oh, plenty. Senator LA Follette. Do they go after the business pretty hard? Mr. Smith. They cut one another's throat.

Senator LA FOLLETTE. Is there any throat cutting inside of the individual

Mr. Smith. Yes; more there than in the big companies.

Senator LA FOLLETTE. What I mean by that, supposing a fellow is out soliciting and he sees a chance to get a job and it is not a very big job?

Mr. Smith. He takes it himself then. Senator La Follette. Then he picks up some men along Broadway and puts them on the job?

Mr. Smith. That is "Weasel" Epstein's stand. Senator La Follette. What sort of report do they make to the management? Mr. Smith. They usually get on the outs, then they work for another agency

E. E. MacGuffin's career is a story of success in the strikebreaking business. In 1922 he was working as a strike lieutenant for the Rail-

<sup>1</sup> Pt. 1, p. 199, testimony of C. M. "Red" Kuhl.

<sup>\*</sup> Pt. 1, p. 109.

2 Pt. 1, pp. 197-199, testimony of C. M. "Red" Kuhl.

4 See pt. 1, p. 109; see also 15-A exhibit 1766, p. 5338.

4 Pt. 1, p. 113.

way Audit & Inspection Co. By 1929 he was in charge of a job involving over 1,000 strikebreakers in New Orleans. Next, in 1931, he set up a detective agency of his own which offered both espionage and strikebreaking services. He was still president of this agency at the time of the committee's investigation.2 According to a statement of A. E. Lawson, his bookkeeper, his gross business in 1934, his best year. totaled between \$130,000 and \$140,000; and the net profit, if correctly computed, should have been between \$24,000 and \$28,000. Lawson also stated, under oath, that MacGuffin in that year paid himself a salary of \$26,000, concealing the fact on the books of the corporation.3.

Another successful career is that of H. C. Cummings, who started with the Railway Audit & Inspection Co. in Reading, Pa. He later went into business for himself, specializing in espionage in the hosiery workers' unions and also apparently furnishing guards. As has been noted above, he offered strike services to the RCA Manufacturing

Co. in Camden, N. J., in 1936.4

Such success stories are, of course, comparatively rare. Thereexists, however, as the experience of the R. C. A. Manufacturing Co. in the 1936 Camden strike demonstrates, a number of ex-strike lieutenants who, less successfully, seek to operate on their own.<sup>5</sup> They have their own letterheads and are fully capable of recruiting men from the metropolitan districts. Their principal difficulty is in establishing a regular clientele. Mr. MacGuffin had little difficulty in this respect because he took over the clients of the Railway Audit & Inspection Co. in the Youngstown, Ohio, area. He had been sent by the Railway Audit & Inspection Co. to act as office manager and solicitor in Youngstown, Ohio, where he not only became acquainted with. the regular clients of the Railway Audit & Inspection Co., but also established cordial relations with the secretary of the local manufacturers' association. As a result he was able to make his own business successful.6

#### SECTION 5. JOB HISTORIES OF 150 STRIKEBREAKERS AND STRIKEGUARDS

The strikebreaking class, by its very nature, does not lend itself to statistical analysis. Interviews with and testimony by experienced finks establish the identity of a number of leaders in the profession, but Their names occur the great mass of strikebreakers is anonymous. from time to time in such financial records of detective agencies as have escaped destruction, on an occasional plant pay roll, in the reminiscences of their friends, or on the police blotter. The ranks of the habitual strike followers may be increased from time to time by casuals, men who are not regularly available for strike work but who are forced into it through unemployment. These factors make it more or less impossible for even a systematic investigation to ascertain, even approximately, the numerical extent and distribution of the strikebreaking class in the United States.

<sup>1</sup> Pt. 1, p. 197, testimony of C. M. "Red" Kuhl.
2 Pt. 1, pp. 196-197, testimony of C. M. Kuhl; pt. 2, pp. 381-382, testimony of E. E. MacGuffin.
3 Pt. 15-A, exhibit 1833, p. 5450 ff., affidavit of A. E. Lawson. See on the same subject pt. 15-A, exhibit 1834, pp. 5455-5456, affidavits of Glen E. Fisk and C. M. Kuhl.
4 Preliminary hearings on S. Res. 266, pp. 161-162, testimony of John W. Edelman; and pp. 176-193, testimony of Carl Holderman. See pp. 26 ff.
4 See pp. 26.
4 Pt. 15-A, exhibit 1834, p. 5456, affidavits of Glen E. Fisk and C. M. Kuhl. See also pt. 15-A, exhibit 1833.

p. 5450, affidavit of A. E. Lawson.

The committee had neither the funds nor the time and staff to attempt a complete and exhaustive investigation of the strikebreaking class. By necessity it proceeded on a sampling basis, delving into the strikebreaking underworld at widely scattered points, sometimes through its examination of a detective agency or an employers' association, sometimes through its inquiries into specific strikes, and sometimes through the testimony of experienced strikebreakers. result of this sampling technique was to place in the committee's record the names of over 950 persons who, at some time, have taken the place of striking employees, strikeguards or missionaries in specific and identified strikes. This classification omits the names of persons who are known to have been employed by detective or other agencies upon strike work, but whose specific job assignments have not been discovered. Of these 950 persons some are merely names on a pay roll, while others have testified fully before the committee concerning their strikebreaking careers. A comparison of pay rolls and a careful correlation of testimony have resulted in transforming some of the mere names into known and habitual strikebreakers. On the other hand, names which do not appear more than once in the committee's record can scarcely be classified occupationally as strikebreakers or strikeguards.

The committee's strikebreaking data come from a number of industrial cities, but principally from Chicago, Cleveland, and New York. Had it been possible to make an inclusive study of all the strikes occurring in any one of these areas within a limited period of time, such as 2 or 3 years, conclusive information could have been obtained regarding the size of the strikebreaking population, its employment, and the identity of its members. Such a study was manifestly impossi-The committee came nearest to it in its study of the Cleveland and northern Ohio areas, which it approached through an examination of the strikebreaking services of the Associated Industries of Cleveland, National Corporation Service, and its study of the Little Steel Yet even here the committee's researches were inadequate. There were a number of strikebreaking agencies and detective agencies in this area whose strike services the committee did not examine. The Bureau of Labor Statistics lists 225 strikes as occurring in Cleveland, Ohio, and vicinity, from January 1934 to October 1937, inclusive.1 Of these the committee secured pay rolls listing the strikebreaking personnel on only two.2 In addition the committee obtained documentary identification of strikebreakers and strikeguards supplied by strikebreaking agencies serving the Cleveland area in three strikes occurring within the same period but not near Cleveland.3 committee had further references to some of the strikebreaking personnel on 44 other jobs occurring within the period, obtained in the testimony of witnesses and in affidavits secured by investigators. Even this scattered information was limited in scope to the activities of the strikebreaking agencies under investigation at the time it was The fact that a comparison and tabulation of such scattered information reveals a considerable number of persons serving

<sup>1</sup> Pt. 22, exhibit 4254, p. 9463.

1 National Screw & Manufacturing Co. (pt. 22, exhibit 4259, p. 9471); Chase Brass & Copper Co. (pt. 22, exhibit 4255, p. 9467).

1 Black & Decker Electric Co., Kent, Ohio, June 1936 (pt. 3, exhibit 396, p. 1020); the Johnson Bronze Co., Newcastle, Pa., 1934 (pt. 1, exhibit 186, p. 350); the Columbus Railway Power & Light Co., Columbus, Ohio (pt. 1, exhibit 185, p. 340).

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on one strike job after another is highly suggestive. It indicates the very real existence of a sizable strike underworld of which this

investigation has only scratched the surface.

One additional difficulty in the way of making such a study should Professional strike followers are not consistent about their Trouble with the law, with creditors, with personal own names. enemies, or other factors induce them to change their names or initials from job to job. Bergoff pointed this out in his testimony before the National Labor Relations Board in the Remington Rand case:

Most of these people that take charge of jobs, in fact a number of the strikebreakers—they go under different names. They don't want to have their families, neighbors, and everybody know what business they are in, and they take different names as they go on jobs \* \* \* I, myself, registered under the name of Brady \* \* \*.1

Strike pay rolls are usually made up by strike lieutenants, whose spelling may be peculiar, and who are inclined to be careless about initials and first names. In addition, strikebreakers receive extraordinary nicknames, by which they are often known, such as "Snake-Eyes Kid Steinie," "Phoney Lou" Cohen, "Stinkfoot" McVey, "Eat-em Up" Jack Fisher, "Whitey" Cronk, "Boilermaker" Williams, "Chowderhead" Cohen, "Bennie the Fink" Gross, or "The Brass Monkey." While such soubriquets are colorful, they are not carried on pay rolls or police records, and do not make identification easy.

Taking the committee's record as a whole, a selection has been made of the names of 150 persons who are shown by reasonably substantial, if not conclusive, proof to have served as strikeguard, strikebreakers, or missionaries on two or more strike jobs. These names, together with the strike jobs on which they have been identified are listed in appendix C of this report.<sup>2</sup> The list shows, in addition, the name of the strikebreaking agency, so far as it is known, on each job, and appropriate references and citations to the record are made in every case.

The names on this list are broken down into five main classifica-The first is a group of 27 names which were obtained from a roster of strikeguards kept in the Chicago office of the National Metal Trades Association.<sup>8</sup> The addresses of all these men during the period they were on the guard roster was Chicago or the surrounding area. The National Metal Trades Association was not, however, the sole employer of these men for strike work. Several of them appear on other pay rolls as well. They may be classed together as a group because Chicago appears to have been their recruiting ground.4

The next group consists of the names of 78 persons who appear to have made Cleveland or Youngstown or the northern Ohio area their base of operations. These names were obtained through the committee's investigation of National Corporation Service and the Associated Industries of Cleveland. During the period under examination there were, of course, a number of other agencies engaged in supplying strikeguards and strikebreakers in the same areas from which the committee obtained no pertinent documentary data, but to which occasional reference was made in the testimony of the strikebreakers

themselves.

<sup>12</sup> N. L. R. B., 626, pp. 682-683, footnote 65; pt. 18, p. 7979, footnote 62.
2 Pp. 151-199.
3 Pt. 3, exhibit 392, p. 1011.
4 See pt. 1, p. 126, testimony of E. J. McDade.

The third group is composed of names which came into the committee's record chiefly through its investigation of the strikebreaking services of the Railway Audit & Inspection Co. Most of these names were obtained from the statements of the strikebreakers or the strikeguards themselves, since the Railway Audit & Inspection Co. destroyed its subpensed documents. Information pertaining to this group was obtained chiefly from strikebreakers whose recruiting ground was New York City. There is, however, a wide geographical distribution of strike jobs in this group which can be explained by the Nation-wide character of the Railway Audit & Inspection Co. The Railway Audit & Inspection Co. was not the sole agency to which the members of this group looked for employment. In New York particularly they seem to have been employed by other agencies.

The fourth group consists of five persons whose strikebreaking careers are so well known that they are almost legendary. All of these men at one time or another worked for the Railway Audit & Inspection Co. Several of them were strike lieutenants and one, E. E. MacGuffin, later became the proprietor of his own business. The strike jobs listed to their credit are those with which they can be positively identified in the committee's record. That represents, however, only a small fraction of their work. The last group consists of six persons, all with criminal records, who were picked up on strike jobs by the Philadelphia police. Their field of operation, as far as known, appears to have included Philadelphia and New York.

Taking this list as a whole, the men served on 87 different and identified strikes or guard jobs. In six cases there was no actual strike, but the men seemed to have been employed in anticipation of a strike, or as a result of labor disputes not reaching the proportions of a strike. The committee obviously did not possess the facilities to investigate the causes and the circumstances surrounding all these strikes and controversies; concerning a few of them, it had data in its own record; as to the causes of the others, it was compelled to seek elsewhere. The Bureau of Labor Statistics in the United States Department of Labor lists the causes of the strikes of which it has record, but its classification of causes is necessarily of a very general nature. In addition, the issues are always controverted, and the employer's version of the reasons for the strike generally differs materially from the version of the employees. Accepting this data, with these reservations, and comparing it, or amplifying it with information contained in the committee's own record, significant facts are revealed concerning the nature of the strikes in which these professional strikeguards or strikebreakers served. Out of the 87 listed jobs in appendix C, 6 were not strikes. Out of the 81 strikes the causes for 24 were unknown. Out of the 57 strikes concerning the causes of which data was available, 7 were listed as strikes for recognition alone, 16 for recognition and wages, 8 for recognition, wages, and hours. One of the strikes listed was the "Little Steel" strike of 1937, the proximate cause of which was a dispute over the signing of a union contract, but which, according to the findings of the National Labor Relations Board, revolved around the deeper issue of collective bargaining in good faith with the Steel Workers Organizing Committee.1

<sup>1</sup> See N. L. R. B. decision and order in the matter Republic Steel Corporation and the Steel Workers Organizing Committee, Case No. C-184, dated Oct. 18, 1938, and N. L. R. B. decision and order in the matter of the Inland Steel Co. and the Steel Workers Organizing Committee and the Amalgamated Association of Iron, Steel & Tin Workers of North America, Lodges Nos. 64, 1010, and 1101, Case No. C-252, decided Nov. 12, 1938. See also pt. 23 ff. hearings on the Republic Steel Corporation and the Youngstown Sheet and Tube Co.

Seven of the strikes were fought over the issue of discrimination, which often has a bearing on the question of collective bargaining in good Thus the causes of 39 of the 57 strikes whose causes were known appear to have involved the issue of recognition, or acceptance of the union as a collective bargaining agent.

Such a statistical summary is, of course, only an approximation of the actual fact, but it seems to buttress the conclusions suggested above, that the professional strikeguards' or strikebreakers' services are predominantly useful in combating the recognition of unions or

the acceptance of collective bargaining.

A more detailed analysis of the groups of strikeguards and strikebreakers in appendix C follows herewith.

#### I. THE CHICAGO GROUP 2 -

The roster of guards of the National Metal Trades Association on which these 27 names appeared includes strike jobs principally for the years 1934, 1935, and 1936, with an occasional entry in 1933. One of the men on this list had 9 strike jobs to his credit, but most can be proved to have served only on 2 or 3 identified jobs. The total number of man-jobs on this list is 90. Of these man-jobs, 80 were carried out under the direction of, or at the instigation of the National Metal Trades Association. Four are credited to other agencies as follows: Associated Industries of Cleveland, 1; Allied Corporation Service, 2; Railway Audit & Inspection Co., 1. One of the men carried on the Chicago list of the National Metal Trades Association was E. J. McDade, whose known strikebreaking record is so diversified that it would upset these proportions. Mr. McDade was employed by the National Metal Trades Association to serve at the strike of the Columbian Stamping & Enamelling Co. in Terre Haute, Ind., in 1935. His known jobs for other agencies total 16, 13 of these being for the Railway Audit & Inspection Co., 1 for Bergoff, 1 for Allied Corporation Service, and 1 for Fields.<sup>3</sup>

The interstate character of the strikebreaking business is clearly established by the job records of these 27 men. Of the 90 man-jobs listed, 51 were in Ohio, 17 in Illinois, 14 in Indiana, 2 in Pennsylvania, and 2 each in Michigan, New York, and Missouri. These figures must be considered in the light of the fact that most of the strike jobs listed to the credit of this group were directed by the National Metal Trades Association, which has a Nation-wide membership. It is clear, however, from other testimony that Chicago constitutes one of the principal sources for the shipment of strikebreakers in

interstate commerce.

### II. THE OHIO GROUP 5

There are 78 names in this group. Identification was established through 2 strike pay rolls furnished by National Corporation Service and 2 obtained during the investigation of the Cleveland Associated

4 See pp. 158-183.

<sup>1</sup> See affidavit of J. R. Cox, exhibit 5874, supplementary exhibits, hearings on the Associated Industries of Cleveland, concerning the 1935 strike at Thompson Products, Inc.

1 See pp. 152-157.

2 See appendix C, pp. 196-197. See also testimony of E. J. McDade, pt. 1, pp. 114-115, and 117, ff.; pt. 7, exhibit 910, p. 2710 ff., deposition of E. J. McDade.

4 See testimony of A. E. Lawson, pt. 1, p. 182; testimony of O. M. Kuhl, pt. 1, p. 198,

4 See pp. 188-183

Industries as well as through the testimony of employees and strikebreakers employed by these 2 agencies. In addition, some names were supplied through the National Metal Trades Association examination.

The total number of man-jobs in this group is 258. Fifty different strikes or guard jobs are included in the service records of this group.

Thirty of the men on this list served on a strike at the National Screw & Manufacturing Co. in 1935. Thirty-nine of the group served on a strike at the Johnson Bronze Co. at Newcastle, Pa., in Thirty-six of the group served at the Columbus Railway Power & Light Co. strike in 1934. On each of these three strike jobs large numbers of strikebreakers and strikeguards were employed and for each of them the committee was able to obtain the complete pay Seven of the group served among the 18 strikeguards at the Chase Brass & Copper Co. in 1934. For this strike the committee had the pay roll of the strikeguards only. Very probably, if the committee had been able to obtain other strike pay rolls, the results would have been even more impressive. As to all the other strikes involved, except the Black & Decker strike, the names of the strikebreakers or strikeguards had to be established by the recollection of witnesses either in testimony or in affidavit form.

Eleven of the group served in the strike of Thompson Products. Inc., in 1935 and 12 served in the strike at the Statler Hotel, which has been described above. Nine of the group served at the Black & Decker strike under the auspices of the National Metal Trades Association. It will be remembered that a number of guards were transported to this strike from Chicago.2 Fifteen of the men classified in the first group are shown on the records of the National Metal Trades

Association to have been sent to this strike.

In similar fashion both Cleveland and Chicago supplied finks to the strike at the Addressograph-Multigraph Corporation in Euclid, Ohio, The Cleveland Associated Industries supplied 70 to 75 men for this strike.3 Sixteen of the men listed in the Chicago group served at this strike. The committee was unable to obtain the complete list of Cleveland finks serving at Addressograph-Multigraph, but has evidence that five men listed in the Ohio group served on that job.

Taking the Ohio group as a whole, it is interesting to note that only 64 man-jobs were outside the State of Ohio while the remainder. or 194 man-jobs, were within the State of Ohio. This fact plainly indicates that strikebreaking centers, such as Cleveland, have their greatest effect on business in the surrounding territory. Interstate transportation is not a necessary feature of the strikebreaking busi-It is quite possible that, even if the interstate transportation of strikebreakers were effectively prohibited, the strikebreaking markets of the great cities would continue in existence for the purpose of supplying men to strikes within State limits.

<sup>1</sup> All the strikebreakers or guards at the Black & Decker strike were arrested and their names were obtained from the police records of Kent, Ohio (see p. 49).

1 See p. 47. They did not, however, enter the plant.
2 See pt. 21, exhibit 4178, p. 9282 and pt. 22, pp. 9399 ff.

## III. THE RAILWAY AUDIT & INSPECTION CO. GROUP 1

Common to all the persons listed in this group is employment by the Railway Audit & Inspection Co. In many of the cases the Railway Audit & Inspection Co., as far as is known, was the only agency affiliation. Most of these names and their respective strikebreaking careers were established through the initial investigation of the committee into the Railway Audit & Inspection Co. and other strikebreaking agencies in the New York area. The majority of this group, therefore, appear to make New York their recruiting ground. While a number of the strikebreakers or strikeguards listed in the previous groups are known to have been employed at some time by the Railway Audit & Inspection Co., it does not seem to have been the dominating factor in their strikebreaking careers.

There are 32 persons in this group. The total of man-jobs is 110. Eighty-four of these man-jobs were attributable to the Railway Audit & Inspection Co., while only 26 were attributable to other agencies

known or unidentified.

The geographical distribution of the man-jobs in this list is strikingly widespread. New York claims the greatest number of man-jobs with a total of 34. There are 13 in the Pittsburgh area, 14 in Uniontown, Pa., 13 in Louisiana, 11 in St. Louis, 6 in New Jersey, 3 in Ohio, 4 in Connecticut, 2 in upper New York State, 2 in Georgia, 2 in West Virginia, and 1 each in Indiana, Alabama, Tennessee, North Carolina, and Maryland. This distribution of strike jobs illustrates the Nation-wide character of the business of the Railway Audit & Inspection Co. Its strikebreakers are not only shipped back and forth across the Nation, but are occasionally recruited at branch offices of the agency in widely separated cities.

As far as the committee's information goes, most of the men in this group are foot-loose, without fixed residence. Out of the 34 the strike activities of only 5 seem to be limited to any one area. The strike jobs of four of the men listed seem to have been confined to the New York City area, and of one of the men to the Pittsburgh area. Since the records of strike service are so incomplete, there is nothing conclusive about these figures. The rest divide their strike activities impartially

among the industrial areas mentioned above.

#### IV. GROUP OF FIVE LEADING STRIKEBREAKERS 2

The men on this list cannot be grouped together upon any geographical or agency basis. Some of them are strike lieutenants of note; one of them set up an agency of his own, and two achieved fame and notoriety without rising from the ranks. The strike jobs listed under their names are only a small known fraction of their actual careers. The committee's record is fullest on E. J. McDade, who testified before it at great length concerning his activities. As has been noted above in connection with the Chicago group, he worked for a number of agencies and his career ranged from Chicago to New Orleans and from Pittsburgh to Milwaukee. In spite of his wide experience and success as a strike lieutenant, he never, as far as it is known, attempted to set up his own agency. E. E. MacGuffin's rise to fortune has been

<sup>&</sup>lt;sup>1</sup> See pp. 183-195. <sup>2</sup> See pp. 196-197.

mentioned above. "Whitey" Cronk and "Chi" Pullman (deceased) never rose from the ranks, but their careers go far back into the earlier lore of the strikebreaking profession.

#### SECTION 6. CRIMINAL RECORDS OF STRIKEGUARDS AND STRIKEBREAKERS

A considerable number of professional finks are convicted criminals. Others who have no convictions to their credit, have been arrested for various offenses, and are known to the police of different cities. They fall afoul of the police not only through their strikebreaking work, but also as a result of their participation in crimes of theft,

robbery, violence, and fraud.

The police records of a number of the well-known strikebreakers illuminate the real character of their occupations. Samuel Cohen, alias "Chowderhead" Cohen, alias Sam Goldberg, alias Charles Harris, who told the committee that he had worked at his occupation of "guard on strike jobs" for about 20 years, testified that he had supervised the work done by the Sherwood detective bureau during the elevator strike in New York City in 1935. He testified that his duties were as follows:

I worked and saw that every man was taking charge of the buildings where they was on strike; went over every day and saw they were on their posts to see that no men there were being beat up, or the building being harmed, broke up by strikers, and so forth; that is all. I was checking up on them about three or four times a day.1

In this capacity Mr. Cohen was entrusted with the safety and security of some hundreds of apartment dwellers. Yet, at the same time, he was wanted in Baltimore for grand larceny, an offense for which he had previously been five times arrested in New York. He had been sentenced to the Elmira Reformatory for receiving stolen goods, served 1 year and 6 months in the Federal penitentiary at Atlanta for conspiracy, and 4 years in Sing Sing for burglary. record was further marked by parole violations and other offenses. In 1931 he was held as a material witness in the murder of Vivian Gordon, a figure in the New York vice rings.2 Since testifying before the committee, Mr. Cohen has been convicted in New York of fraudulently receiving relief funds.

"Chowderhead" Cohen was a strike lieutenant, bearing as great a responsibility as the strikebreaking profession offers. Other strike lieutenants had equally alarming police records. Joe Brown,<sup>3</sup> a Railway Audit & Inspection Co. strike lieutenant operating in New York City, had been arrested eight times since 1925 on charges including robbery, felonious assault, grand larceny, and engaging in the policy or numbers racket. He had been convicted three times

for participation in the numbers racket.

Pt. 1, p. 142.
 Pt. 1, exhibit 114, p. 295; exhibit 115, pp. 295-296.
 For strike job records, see appendix C, p. 185.

It is difficult to estimate the proportion of known strikebreakers who have criminal records. E. J. McDade, well-known strike lieutenant, testified that about 20 percent of the 700 strikebreakers and strikeguards recruited for the Wisconsin Electric Railway & Light Co. in Milwaukee in 1934 had criminal records. Some of these

strikebreakers were arrested in Milwaukee.2

Definite substantiation of such estimates is difficult to obtain. In those comparatively rare incidents in which the police round up all the strikebreakers or strikeguards on a job and hold them for investigation it is possible definitely to ascertain the percentage of criminals. The police arrested all the Railway Audit & Inspection Co. strikeguards and sluggers who were working at a strike of the General Material Co. in St. Louis in June 1932. Out of the 13 so arrested, 6 had police records in other cities for such offenses as burglary, forgery, larceny, inciting to riot or assault. Similarly, all of the strikeguards involved in the Black & Decker Electric Co. strike in Kent, Ohio, in June 1936 were arrested. As has been noted above, out of these 43 men, 16 had criminal or arrest records. Among the 16 were 1 convicted rapist and 4 convicted robbers.

If such a round-up is not made by the police, permitting the photographing and fingerprinting of the men and the accurate search of their records in various police departments and the Federal Bureau of Investigation, it is extremely difficult to discover the number of criminal or arrest records. Names alone, or even names and addresses, are but tenuous clues in identifying and tracing members of the underworld. Unless a strikebreaker or a strikeguard is arrested on a strike job, and the records of the arrest are preserved, it is difficult, if not

impossible, to trace his record with accuracy.

The committee has, however, been able to discover the criminal records of some of the strikebreakers whose identity it has established in its record. In every case in which a criminal record has been established, with reasonable certainty, for one of the men listed in appendix C, it has been included. The results are astonishing. Over 48, or approximately one-third of the known strikebreakers appearing in appendix C, have criminal or arrest records. This total must be considered in the light of the fact that it has been impossible even to make a search for the criminal records of most of the known strikebreakers. The committee, in most cases has not had their photographs and fingerprints nor even their addresses. The actual number of the men listed in appendix C who have criminal records must remain a matter for conjecture.

Out of the 150 strikebreakers and strikeguards listed in appendix C, 48 have criminal or arrest records. Twenty-seven of these have been arrested once; 8 twice; 2 three times; and 7 four or more times. Of this last group, 1 had as many as 14 arrests. Not all of these arrests resulted in convictions or sentences. In some the disposition of the

case was not noted. Altogether, three were 118 arrests.

<sup>1</sup> Pt. 1, p. 130, testimony of E. J. McDade.

<sup>Ibid., p. 129.
Pt. 1, exhibit 181, p. 333 ff. See p. 102 for a description of this incident.
See p. 49. See also pt. 3, exhibit 396, p. 102 off.</sup> 

These men were arrested predominantly for offenses having elements of violence. One of the men was arrested for homicide; 10 for assault with intent to kill; 2 for felonious assault; and 1 for assault of unspecified character, making a total of 13 who had been arrested for assault. Fifteen of the men had been arrested for shooting with intent to wound; 3 for rape; 3 for robbery; 4 for burglary and 1 for arson. Six had been arrested for carrying concealed weapons; 2 for inciting to riot and 3 for possessing tear-gas bombs in violation of state law. Second offenses of the same character are not included in these figures; that is, for example, more than one arrest of the same person for felonious assault is not indicated. The total of the above arrests is 51.

Offenses involving theft or dishonesty were the next largest category. Twelve of the men had been arrested for larceny and 3 for grand larceny; 1 had been arrested for receiving stolen goods and 1 for passing bogus checks. One of the men had been arrested for impersonating a Federal officer. Another had been arrested 4 times, and convicted, for participation in the numbers racket.

It is significant that only two of the men listed had been arrested for offenses in violation of State laws pertaining to strikebreaking

services.

No particular significance attaches to the number of arrested or convicted persons in each of the groups listed in appendix C. Since no comprehensive survey could be made of the criminal records of the strikebreakers and strikeguards in each of these groups, no comparison between them is possible. The Philadelphia group, for example, consists of 6 persons who were arrested by the Philadelphia Police Department and who, subsequent to their arrests, were discovered to be habitual strikebreakers. The Chicago group has only 3 members with criminal records, whereas the Railway Audit & Inspection group has 17. Here again, no comparison can be drawn. The Railway Audit & Inspection group is composed, as has been pointed out above, largely of strikebreakers operating in the New York City area and the committee was able to obtain the cooperation and the assistance of the New York City Police Department in identifying and tracing the records of these men. Limitations of time and staff made a similar study impossible for the strikebreakers in the Chicago group. The Ohio group includes 20 persons with arrest This is the highest number of criminal records in any of the groups, but it is occasioned not so much by the fact that the Ohio group is the largest group, as by the round-up of the guards at the Black & Decker plant which provided the committee with the duly authenticated criminal records for all the men concerned.

The committee's data on the criminal records of these men must, as has been pointed out above, be considered as fortuitous or accidental rather than as the result of careful search. That approximately one-third of the strikebreakers listed should be discovered, under such circumstances, to have criminal or arrest records shows how closely

the strikebreaking business approaches a gangland racket.

# CHAPTER V. TECHNIQUES OF THE STRIKEBREAKING BUSINESS

## SECTION 1. BUSINESS ARRANGEMENTS BETWEEN THE AGENCY AND THE EMPLOYER

The detective agency in supplying guards or strikebreakers enters into contractual relationships with the employer. This contract is sometimes in writing and sometimes oral. The RCA Manufacturing Co. of Camden entered into an agreement with the Sherwood detective agency to supply 200 armed guards, without setting anything down in writing.1 Later when the Sherwood agency failed to supply suitable men, the company entered into an agreement with Tim Manning of the Manning agency of Newark, N. J., to supply 300 men as guards. As far as the record shows all the arrangements with the Manning agency were oral.<sup>2</sup> Allied Corporation Service, Inc., on the other hand, customarily entered into a written contract with its clients for the supplying of strikeguards or strikebreakers. This contract is set forth verbatim as exhibit 188 at page 380 of part 1

of the hearings.

By its terms, it covers the supplying of either guards or strikebreakers or both. Under this contract the agency, as agent for the employer, agrees to hire such men as the employer may desire. employer on his part is to assume the legal status of an employer toward the men furnished, particularly with reference to workmens' compensation and liability for injuries. In addition to paying the wages of the men furnished, the employer agrees to pay for transportation, subsistence, waiting time and other necessary expenses. Wages and subsistence are to be paid from the time the men are shipped and to terminate when the men are returned to the point where they were recruited. The agency is to have one man in complete charge of the strikebreakers or guards with such assistants as may be necessary. He and his assistants are also to be considered as employees of the employer. It is quite clear that the contract is inconsistent with reference to the status of the strikebreakers or strikeguards. If they are under the direction of the strike lieutenant supplied by the agency, they are not in actual fact under the direction of the employer. By these terms of the contract, the agency is merely attempting to evade the normal responsibility of an employer with regard to his employees and their conduct.

The Railway Audit & Inspection Co. had a similar form of contract for use by its strikebreaking affiliate, the Pennsylvania Industrial Service Co. As described in the correspondence of officials of that agency, its purpose was to exempt the agency from any 'liability whatsoever" for the acts of the strikeguards or strikebreakers.3

<sup>1</sup> Pt. 8, p. 2886, testimony of Robert Shannon, vice president in charge of manufacturing of the RCA Manufacturing Co.

3 Pt. 8, pp. 2892 ff, testimony of Robert Shannon.

4 Pt. 15-A, exhibit 1668, p. 5286, a letter from G. Eugene Ivey, manager of the Atlanta office, to W. H. Gray, solicitor, dated Sept. 21, 1435.

addition, the Pennsylvania Industrial Service Co. entered into a standard written contract of employment with its strikeguards and strikebreakers, whereby the employee agreed that he was the "Employee of the company to which I am assigned to work by the Industrial Service Co. and that the Industrial Service Co. is the acting representative of such company."1

The record shows that some employers refused to accede to the wishes of the detective agencies that they assume liability for the acts of strikebreakers or strikeguards. The clients of the Burns agency often insisted on a form of contract which provided that the employer would not be responsible for any damage to persons or

property caused through the actions of the agency.<sup>2</sup>

Allied Corporation Service's form of contract provided that the agency was to receive as its compensation 25 percent of the total wages earned by the strikebreakers, which sum was to be paid semimonthly by the employer. The strike lieutenant and his assistants. were to be paid by the employer a bonus of 25 percent of the amount of their respective wages. C. M. Kuhl indicated that a cost plus 25 percent basis was customary with the Railway Audit & Inspection. Co. The Burns agency had a simpler method of taking its profits. from the strikebreaking business. It paid its strikebreakers or strikeguards only half of what it charged the employer for their services.

One factor is common to all the business arrangements between detective or strikebreaking agencies and employers that have comeunder the committee's scrutiny. In all cases the agency charges and the employer pays for the services of each guard or strikebreaker used. Strike jobs are never taken on a flat-fee basis. Thus, every added

guard or strikebreaker means an added profit to the agency.

The only exceptions to this prevailing custom of the business are tobe found in the practice of the employer associations examined. was noted above, the National Metal Trades Association did not charge the employer for the guards provided by it, but defrayed their expenses from the association's "defense fund." 6 The practice of the Associated Industries of Cleveland was that the employer should pay each guard his wages, but the association took no profit to itself on the transaction.

The pay rolls of the guards or strikebreakers are customarily maintained by the agency. In most cases they do not appear to be submitted to the employer. For example, the R. C. A. Manufacturing Co., which paid over \$150,000 to the Manning Detective Agency for the services of 300 guards during the strike at its Camden plant in 1936, never received any pay roll or authenticated time record for the guards employed during that strike. The Manning agency submitted weekly statements showing only the total number of guards serving daily. The bills were paid without question. The vice president in charge of manufacturing did not know whether the company had made any check upon the accuracy of the statements rendered by the detective agency.8 Months after the strike and at the request of the

Pt. 15-A, exhibit 1646, p. 5258, a form of contract.
Pt. 8, exhibit 1020, p. 3135; pp. 2856 ff, testimony of J. W. Erb, Philadelphia manager, Burns detective. agency.

Pt. 1, exhibit 188, p. 380.

Pt. 1, p. 200.

Pt. 8, p. 2812; and exhibit 936, pp. 3068 ff.
See p. 30.

<sup>See p. 26.
Pt. 8, pp. 2897 ff., testimony of Robert Shannon.</sup> 

committee, the company wrote to the Manning agency and requested an itemized statement of the charges made to it for strikeguards. The agency furnished a statement summarizing the total number of watchmen and the days and hours of work, without supplying any primary evidence in the shape of pay rolls or time records. The extraordinary laxity with which the R. C. A. Manufacturing Co. handled this aspect of its strike expenses is illustrated by the testimony of Robert Shannon, vice president in charge of manufacturing, concerning this ex post facto statement rendered by the Manning agency:

Senator LA FOLLETTE. To your knowledge, Mr. Shannon, has the corporation ever before made a single payment for merchandise or service aggregating \$150,000 without any itemized invoice or accounting?

Mr. Shannon. I do not know of any.
Senator La Follette. And you do not regard the Manning agency as being any more honest or trustworthy than any other company with whom you had business, do you?

Mr. Shannon. No.

Senator LA FOLLETTE. Then, would you please explain for the committee this complete departure from your general accounting policy in the case of the Manning agency?

Mr. Shannon. I think it is explained because of the emergency condition under

which we were operating.

Senator LA FOLLETTE. Mr. Shannon, you have already testified that the emergency did not alter your accounting practices as far as anything else the company

was buying or paying for was concerned?

Mr. Shannon. That would be an established routine.

Senator La Follette. You knew in advance that this might run into a considerable sum of money, did you not?

Mr. Shannon. That is right.

Senator LA FOLLETTE. And you took no steps whatever to set up some check on Mr. Manning and his 300 men so far as paying their bills were concerned?

Mr. Shannon. I expected Mr. Hamilton 1 to check them.

Senator LA FOLLETTE. But you have testified you did not know whether he checked them or not?

Mr. Shannon. No; I took his word for it; I had confidence that he would handle

the situation.

Senator LA FOLLETTE. Well, would you permit anyone else in the company who was paying out as much money or responsible for its payment to handle it without these accounting methods, no matter what the emergency?

Mr. Shannon. Some men; yes.

Senator LA FOLLETTE. Have you ever done it before?

Mr. Shannon. No.2

This absence of proper accounting procedure in connection with the strike expenses seems to be characteristic of the strikebreaking busi-The strikeguard pay rolls of the members of the Associated Industries of Cleveland were made up by the strike lieutenants, and funds were turned over by the company to the strike lieutenants for payment to the guards. In some cases pay rolls or receipts were turned in to the company, in others they were not.

The pay rolls of strikebreakers and strikeguards for the Johnson Bronze strike in New Castle, Pa., in 1934, and the Columbus Railway, Power & Light Co. strike, Columbus, Ohio, in 1934 were kept by the strike lieutenants of Allied Corporation Service, Inc. The first of

<sup>&</sup>lt;sup>1</sup> Edward Hamilton, general assistant to Robert Shannon. He was ill at the time of the hearings and unable to appear (pt. 8, p. 2895).

<sup>2</sup> Pt. 8, pp. 2898, 2899;

<sup>3</sup> See pt. 22, p. 9390, testimony of Benny Gross; pt. 22, pp. 9409-9414, testimony relating to the Ohio Rubber Co. "pionic strike" in 1936; pt. 22, pp. 9390-9407, testimony concerning the Addressograph-Multigraph Corporation strike in May 1935. The Associated Industries submitted a lump-sum bill to the company, which the company paid without requesting receipts or other records from the various guards employed. On the National Screw & Manufacturing Co., however, the company received the pay roll prepared by the strike lieutenants (pt. 22, exhibit 4259, pp. 9471 ff. Pay rolls obtained under subpena from the National Screw & Manufacturing Co.).

these pay rolls totaled \$8,894.60, and the latter \$11,581.80.1 That they were not an accurate record of time spent by these guards and strikebreakers is indicated by an affidavit of Walter Korenchan,2 which states that the affiant spent most of the time in company with other strikebreakers away from the plant in various saloons and cafes around the town.3

It is quite obvious that it is bad business practice to permit the detective agencies to make up their own pay rolls without check or corroboration. It is distinctly to their interest to increase the pay roll or to pad it if possible. The American Bridge Co. waged a constant battle with Capt. Robert J. Foster for a reduction in the number of guards on his pay roll in Jersey City during the construction of the Pulaski Skyway over the Jersey meadows in 1931.4 C. M. Kuhl, of National Corporation Service, pointed out the advantage of this practice to the detective agency. Speaking of the wages paid strikeguards, he said:

\* \* \* For instance, they got 80 cents an hour, and figuring an 8-hour day, why it was the policy to work 8 hours a day, but it would generally be 12, 14, or 16 hours a day, because these jobs are taken mostly on a cost plus 25 percent, and the bigger this pay roll will run the more the R. A. I. or the Central Industrial would receive from them.5

In only one instance did the committee discover a thoroughgoing attempt to secure accurate time records from strikeguards or strikebreakers. The Burns agency apparently followed the customary strikebreaking practice of having its guards or strike lieutenants keep the strike pay roll, but during the water-front strikes in San Francisco in 1934 the employers' representatives made an effort to secure time reports from each guard. This extraordinary demand met with considerable opposition from the finks. The reason for their hostility to this change in the customary procedure was obvious. As the manager of the San Francisco office explained, practice theretofore had been that:

The supervisor merely listed each man's name showing where he was, the date, when he came on duty, when he went off duty. The employees did not even sign the supervisor's time report. This, of course, gives the supervisors and the men handling the strike, a wonderful opportunity to pad the pay rolls.

It is clear from the committee's record that the profitableness of the strikebreaking business is greatly increased by this custom of permitting the detective agency to submit its own bills and through the laxity of accounting procedure on the part of employers that tends to occur in Strikebreaking pay rolls are large. The American Bridge Co., as has been noted above, paid Captain Foster for his strikeguards and spies \$173,075.31.8 The RCA Manufacturing Co. paid the Manning agency \$156,193. At a strike of the Laclede Gas Light Co. in St. Louis, Mo., occurring in the months of April, May, June, and

<sup>1</sup> Pt. 1, exhibit 185, p. 346; ibid, exhibit 186, pp. 350 ff.
2 Supplementary exhibits, hearings on the Republic Steel Corporation, exhibit 7434.
3 See also pt. 15-A, exhibit 1832, pp. 5447ff; affidavit of A. E. Lawson, containing statement that E. E. MacGuffin, to his knowledge, padded the pay roll of the Johnson Bronze strike (p. 5448). For further reference to the laxity of time keeping by detective agencies, see pt. 1, p. 154, testimony of Jack Fisher.
4 Pt. 7, pp. 2303 ff. See also pt. 7. pp. 2382-2383. See p. 25.
9 Pt. 1, p. 200.
9 Pt. 8, exhibit 1024, p. 3138; a letter from the manager of the Baltimore office of the Burns agency, concerning guards supplied during the maritime strike in 1936.
7 Pt. 8, exhibit 1019, p. 3134.
8 See p. 25 and pt. 7, exhibit 776, pp. 2574 ff.
9 Pt. 8, exhibit 1054, p. 3176.

July, 1935, a detective agency operated by A. A. Ahner of St. Louis,

received \$107,619.08 for the services of strikeguards.

The Burns agency received \$93,491.42 for strikeguards furnished during the elevator strike in New York City in March 1936.2 Of this sum \$45,861.48 represented gross profit to the agency. The strikeguard pay roll of the National Screw & Manufacturing Co. of Cleveland, Ohio, in 1935 totaled \$33,891.30.3 This is the sort of money that changes hands in strike situations. It is paid to detective agencies in an atmosphere of emergency and haste and under circumstances which permit a maximum of fraud and deception. breaking lieutenants are often criminals and their superiors are men lacking in scruples. They can scarcely be expected to refrain from taking advantage of the employer. It is such sums of money and such methods of accounting that make the strikebreaking business attractive to the underworld.

## SECTION 2. BUSINESS ARRANGEMENTS BETWEEN THE DETECTIVE AGENCY AND THE STRIKEBREAKER OR STRIKEGUARD

The strikebreaker or strikeguard, while he receives a respectable wage for doing-very little, is exposed to peculiar occupational hazards, and, being a transient, is often unable to defend his own interests against the agency who employs him. He is frequently exploited and sometimes bilked and defrauded. Written contracts of employment were customary between the agency and the strikebreaker in the business of the Railway Audit & Inspection Co. and National Cor-As Mr. Kuhl put it, "they sign them up on a conporation Service. tract where the fink or strikebreaker practically signs away his life."4 The committee obtained the contract form used by the Railway Audit & Inspection Co. By this contract the strikebreaker not only agreed to consider the detective agency's client as his employer but also to accept workmen's compensation according to the laws of the State in which he was to act as a strikebreaker or strikeguard. Transportation was to be advanced to the strikebreaker, but in the event of discharge for any reason he was to forfeit return transportation and reimburse the employer for transportation to the scene of the strike. The strikebreaker certified that he was free from all contagious diseases, that he had never been convicted of any crime, and there were no criminal charges pending against him. The ineffectiveness of this latter clause is evident.6

The rank and file of the strikebreakers and strikeguards receive wages that vary according to location and competitive conditions, but the average seems to lie between \$5 and \$10 per day. The Burns agency paid the guards at the Tubize-Chatillon plant at Hopewell, Va., in 1934, \$3 per day with no allowance for overtime. The client,

<sup>1</sup> Statement of the Public Service Commission of the State of Missouri, dated February 9, 1937, held in committee's files.

1 Pt. 8, exhibit 936, pp. 3068 ff.

1 Pt. 22, pp. 9394. Ibid, exhibit 4259, p. 9471 ff.

1 Pt. 12, p. 1997.

1 Pt. 15-A, exhibit 1646, p. 5258.

5 For form of contract used by the National Metal Trades Association for strikebreakers in the Columbian Enameling & Stamping Co. strike, see pt. 15-A, exhibit 1884, p. 5496. It is between the company and the strikebreaker, who states that he is aware of the strike and willing to work under such conditions.

7 Pt. 8, exhibit 1002, p. 3115; pt. 15-A, exhibit 1968, p. 5574.

in accordance with the usual Burns practice, was charged \$6 per day This rate of pay was apparently unusually low. On the New Orleans Public Service strike in 1929, according to the testimony of C. M. Kuhl, the Railway Audit & Inspection Co. paid its guards 80 cents an hour, and worked them 12, 14, and sometimes 16 hours a day. The Manning Industrial Service Co. charged the R.C.A. Manufacturing Co. \$1.20 an hour for the rank-and-file guard, and \$1.45 an hour for the supervisors.<sup>2</sup> What percentage of this was profit to the agency was not revealed.3 At the strike of the Milwaukee Electric Railway & Light Co. in Milwaukee, Wis., the guards were paid \$5 per day, the supervisors \$6 to \$10 per day. The customary rate of pay for strikeguards or strikebreakers in Cleveland appears to have been \$5 to \$6 per day.

The supervisors, or strike lieutenants, receive a higher rate of compensation, ranging from \$9 to as much as \$25 a day.6 On the great New Orleans Public Service Co. strike, the strike lieutenants received \$20 a day. "Boilermaker" Williams received \$25 a day, and E. E. MacGuffin, who had command of the job, received, each day he worked, \$50 salary, \$50 expenses, and a bonus of an unstated amount.7

Strikebreakers, according to such records as the committee has been able to obtain, are paid at an hourly rate, sometimes with the addition of a daily bonus. In the Columbus, Ohio, railway strike in 1934 the strikebreakers all received \$2 bonus per day in addition to their hourly rate. This brought the more skilled strikebreakers to a higher level than the rank and file of the guards who received \$6 There was still a wide discrepancy between the wages paid the strikebreakers and the wages paid the strike lieutenants, who received from \$10 to \$25 a day.8 On the Johnson Bronze strike there seems to have been little difference between the strikebreakers and the strikeguards, but the pay roll of Allied Corporation Service indicates that some of its employees on that job received 45 cents an hour, and others 80 cents an hour.

Competition between the detective agencies sometimes affects the wage rates. For example, in the longshoremen's strike in Houston in 1935, the Burns agency manager cut the rate for guards to \$1 an hour; which meant, of course, that the guards received 50 cents an hour.10 During the west coast longshoremen's strike, called in the same year, the detective agencies had a standard rate of \$8 for 8 hours, but the Burns agency undercut this with \$8 for 12 hours.11

The fink often has to pay back part of his wages to the strike lieutenant who secures him employment. E. E. Miller, former office

i See p. 90 and pt. 1, p. 200.

Pt. 8, exhibit 1054, pp. 2898, 3176.

Edward R. Heaton, one of the guards, testified that he received \$80.50 a week, not including overtime. He averaged \$100 a week on this job. Mr. Heaton was not a supervisor, but to have earned such sums at the rate of \$1.20 per hour, he must have worked over 12 hours per day in a 6-day week; pt. 8, pp. 2921 ff.

Pt. 1, p. 130, testimony of E. J. McDade.

Pt. 22, pp. 9370, 9385, 9389, 9398, and 9413, testimony of Charles Adams and Frank Marquard.

Pt. 22, pp. 9386, testimony of Ben Gross (\$9 to \$12); pt. 22, p. 9389, testimony of Frank Marquard.

Pt. 22, pp. 9386, testimony of Michael Casey (\$12 to \$18); pt. 1, p. 159, testimony of Michael Casey (\$12 to \$18); pt. 1, p. 144, testimony of "Chowderhead" Cohen (\$9 a day, plus \$2 expense); pt. 1, p. 130, testimony of E. J. McDade (\$6 to \$10 a day).

Pt. 1, p. 199, testimony of O. M. "Red" Kuhl.

Pt. 1, exhibit 185, p. 346.

Pt. 1, exhibit 185, p. 350.

Pt. 15-A, exhibit 2200, p. 5734.

Pt. 15-A, exhibit 2200, p. 5734.

Pt. 15-A, exhibit 2211, p. 5671. The Pinkerton agency, however, undercut the Burns agency rate for uniformed guards in a strike of the International Telephone & Telegraph Corporation in San Francisco in October 1925 by asking \$4 to \$5 a day (pt. 15-A, exhibit 2229, p. 5754).

employee of the Railway Audit & Inspection Co. in New York City, indicated that a kick-back was common on the strike jobs of which he One of the regular strikeguards for the Associated had knowledge.1 Industries testified that its lieutenants exacted a kick-back, but this assertion was indignantly denied.2

Other hazards besides the kick-back confront the rank and file of the strikebreaking profession. Jack Fisher testified that he would not trust anyone in the business.8 Michael Casey was even more bitter:

Senator LA FOLLETTE. What do you think about the business; do you think it

is on the up and up?

Mr. Casey. It is not on the up and up for the fellow working. The big makes the money and we don't get it. Sometimes we don't get paid, even. The big shots Senator LA FOLLETTE. You mean sometimes they don't even pay you off?

Mr. Casey. Yes, sir.

Senator La Follette. Why do you feel they do that? Mr. Casey. Because they can get away with it.4

At the so-called "picnic strike" of the Ohio Rubber Co. in 1936 the strikeguards, recruited by the Cleveland Associated Industries, were paid off in sealed envelopes which contained less than the amount they supposed they were to receive. These guards had all been employed in anticipation of a strike which did not occur. Discovering the deficiency, they returned in a body to the plant and announced that they were going to stay there until they received the full amount. According to Charles Adams, who served on this job, John H. Walker, chief in command for the Associated Industries, turned to a representative of the Ohio Rubber Co., and said: "Do you think you have labor trouble? I've got labor trouble." The guards were paid in full.5

Such solidarity among finks appears, however, to be a rare phe-

A brighter side of strikebreaking, for the rank and file of the profession, consists of the numerous perquisites and forms of graft that are available. Opportunities for theft present themselves on various kinds of jobs. According to Paul Meggart, the strikeguards who served at the Willard Storage Battery strike in Cleveland walked off with storage batteries, which they sold at less than established prices. Large quantities of tear gas and tear-gas equipment were turned over to the strikeguards who were supplied to the plant of the Ohio Rubber Co. by the Cleveland Associated Industries in February 1935. the strike much of the gas and one of the gas riot guns disappeared. Thereafter there was evidence that gas grenades were being sold around the community for \$2 apiece, or about \$10 less than the market price.7 The New York City elevator strike offered irresistible temptations. One Park Avenue apartment was looted by a strikebreaker of a mink coat and jewelry valued at \$55,000.8

<sup>1</sup> Pt. 1. p. 138. See also pt. 1, p. 166, testimony of Michael Casey.
2 Pt. 22, p. 9393, testimony of Paul Meggart and Ben Gross.
3 Pt. 1, p. 155.

<sup>Pt. 1, p. 100.
Pt. 1, p. 166.
Pt. 22, pp. 9412-9414. See also supplementary exhibits, at hearings on the Associated Industries of Cleveland, exhibit 5871.
Pt. 22, p. 9382.
Pt. 21, pp. 9232-9234. See also pt. 2, p. 199.
Preliminary hearings on S. Res. 266, p. 120.</sup> 

There are other methods of gain which fall short of actual theft. Mr. Meggart testified:

It is a known fact that if a man has an old suit of clothes or something, he immediately falls in the mud or rolls and tears it, and then he bills the company for a suit that the pickets are supposed to have torn off of him. Or in the case of cars, a man usually would get some old junk that is worth \$25, where the tires were not very good, and they would try to get it re-tired, from the company.1

An extraordinarily lucrative situation prevailed in the famous New Orleans Public Service strike in 1929. The fares collected on the streetcars were kept by the strikebreakers. This loose money, together with the wages paid the strike guards and operators, provided the strike lieutenants with boundless opportunities. C. M. Kuhl described the situation in his own words:

\* \* Naturally, we make more money on these jobs, you know, when these men are housed up in these barns, and take particularly a streetcar job where there is a lot of money transacted, why these finks, they keep all the money, you know, that they take in on the cars. And they do a lot of gambling. These lieutenants of the barn take care of the games, and that is their cut. And they cut pretty heavy.

Senator La Follette. What do you think some of them made on that job? Mr. Kuhl. Well, I don't know. The word come out that Williams had him-

self \$15,000 or \$18,000.

And then there is another cut. These fellows that operate these streetcars, the money is divided three ways. The motorman get a third, the conductor gets a third, and the fellow in charge of the barn gets a third.

Senator LA FOLLETTE. What does the company get?

Mr. Kuhl. The company doesn't get anything. But this money goes to the

higher-ups.

Senator LA FOLLETTE. Oh, I see.
Mr. Kuhl. For instance, like Mr. MacGuffin, he gets his cut out of that.
Senator LA FOLLETTE. What would that be?
Mr. Kuhl. Well, it would be considerable, because this Whitey Williams wanted to stand in the good graces, and he would cut fairly heavy on that.3

#### SECTION 3. OBTAINING STRIKE BUSINESS

The detective agencies solicit strike business both by letter 3 and through the efforts of their salesmen and office superintendents. The agencies keep themselves informed of any impending strikes or any causes of industrial unrest that may lead to strikes. Solicitation through personal contact is the most effective method. petition between agencies results in a scramble to be the first on the scene whenever news of the possibility of a strike occurs.6 The advantage of personal solicitation was pointed out by W. Sherman Burns in a letter to a representative of the Cleveland office of the Burns agency concerning potential strike business in Akron in 1935 or 1936. The letter reads in part:

I am wondering if you have made a trip to Akron for the purpose of endeavoring to secure guard work or any other work that can be secured with reference to the proposed rubber strike.

<sup>1</sup> Pt. 22. p. 9382.

1 Pt. 1, pp. 199, 200. The "Whitey" Williams referred to was second in command under E. E. MacGuffin (see p. 75). See appendix C, Group IV, for Williams' strikebreaking and criminal record.

2 See p. 26. description of solicitation letters received by R. C. A. Manufacturing Co. during a strike in
1936. See also pt. 15-A, exhibit 2182, p. 5724, Burns agency correspondence concerning the solicitation of
business in anticipation of the textile strike of 1934.

4 See pt. 15-A, exhibit 1668, p. 5286, Railway Audit & Inspection Co.; ibid, exhibit 2197, p. 5733, Burns
agancy.

agency.

• Ibid, exhibit 2193, p. 5732; exhibit 2197, p. 5733; exhibit 2200, p. 5734; exhibit 1728, p. 5310; exhibit 2176,

p. 5721.

See Ibid, exhibit 2176, p. 5721. See also pt. 1, exhibit 137, p. 307, a letter from W. H. Gray, solicitor, to G. Eugene Ivey, manager of the Atlanta office of the R. A. & 1., expressing disappointment at failure to get business in a strike marked by violence, killing, and 22 hospitalized cases of guishot wounds.

Of course, you realize that in order to get this work you have to get on the job promptly and you can only secure it through personal solicitation. It might be that you could get an entree to some of these companies through the banking interests in Cleveland.1

Detective agencies utilize their undercover services as a basis for soliciting strike work.2 Sometimes the agencies go even further and place spies in plants of the employer for the purpose of rendering reports which would indicate the impending necessity of hiring guards or strikebreakers. An astonishingly frank disclosure of this practice may be found in the testimony of Charles Smith, an undercover operator and strike lieutenant for the Railway Audit & Inspection Co. in and around New York City. In the early part of 1934, according to his testimony, Mr. Smith had severed his connection with the Railway Audit & Inspection Co. and was working in the refrigerator industry. He heard of impending labor difficulty in that industry and promptly informed his former associates of it. In his own words:

So in April 1934 I dropped in and told Strader where I was working doing independent refrigerator work, and I told him there was expected trouble in the refrigerator work. I told him I belonged to the union and he said he would line them up and see what he can get.

So he contacted the Kelvinator and the Frigidaire Corporation and sent me up as undercover in that union. So I was on there about, I think, up until July

when they went on strike, and the strike lasted two weeks. Senator LA FOLLETTE. You made reports all of the time?

Mr. SMITH. Daily.

Senator La Follette. On what the union was doing?

Mr. Smith. Yes, sir.

Senator LA FOLLETTE. Did you have access to the list of names of the union? Mr. Smith. They made me publicity man of the union.

Senator LA FOLLETTE. Did you sit in with the council of the union when it made decisions concerning policies?

Mr. Smith. Yes, sir.

Senator LA Follette. Did you participate in those discussions?

Mr. Smith. No, sir.

Senator La Follette. What terms did you and Mr. Strader finally agree on for this job?

Mr. Smith. The agreement was I was to get a salary which would be about \$50 a week and expenses and a quarter of the total take-in.

The Railway Audit & Inspection Co. furnished guards and strike-

breakers during this strike.

It is quite clear from Mr. Smith's testimony that when he made his arrangements in April 1934 with the Railway Audit & Inspection Co., it was expected that a strike would occur, and that he bargained for a quarter of the income that would accrue from furnishing strikebreakers and strike guards. With such a highly profitable stake in the impending strike, and with a position of such influence in the union, it is hard to believe that Mr. Smith did not do all in his power to bring the strike about. He testified, however, that he did not encourage the men to strike.6

<sup>1</sup> Pt. 15-A, exhibit 2197, p. 5733.

3 The coordination of espionage with the sales effort of detective agencies has been pointed out, with reference to industrial espionage, in S. Rept. No. 46, pt. 3, of this committee, p. 33. For an example of the use of undercover service to solicit strike business, see pt. 15-A, exhibit 2193, p. 5732.

3 Foster Strader, New York office manager of the Railway Audit & Inspection Co., Inc. (pt. 1, pp. 110-111).

4 Pt. 1, pp. 111-112, testimony of Charles Smith; p. 159, testimony of Michael Casey. See also appendix O, strike job records of Charles Smith, Michael Casey, pp. 186 and 193.

6 Pt. 1, p. 111.

Mr. Smith, according to his own testimony, was disappointed in the profit he actually made from this strike. It appears that the Railway Audit & Inspection Co. did not live up to its agreement with him, and he testified that he had a claim against it of a "few thousand dollars." 1

There are other examples in the record of efforts of detective agencies to place labor spies in plants where strikes are expected. Prior to the strike of the RCA Manufacturing Co. in Camden, N. J., in June 1936, the Burns agency was striving to sell the RCA Manufacturing Co. its guard service. During this period of negotiation, Raymond J. Burns suggested that the manager of the Philadelphia office use undercover operatives to mingle with the employees of the RCA Manufacturing Co. "during their off-shift, and so forth, at this time." The Philadelphia manager reported that this was "a good thought and we are endeavoring to put this over pending the outcome of the threatened strike." The scheme was never put into effect because of the reluctance of the company. The company was doubtless correct in its judgment, since the Burns operatives, had they been placed among the employees, would have had every incentive to precipitate the strike.4

In soliciting strike business, the detective agencies encounter competition not only from each other, but also from company police systems and, in some cases, from local police authorities. With the growing public realization of the evils of the strike-breaking business, large corporations, who have friendly public relations to maintain, will tend to rely more and more upon their own police systems for strikeguards. The manager of the Cleveland office of the Burns agency found this to be the case in Akron, Ohio. Writing to W. Sherman Burns on April 2, 1935, he said:

For the last year every time I have been in Akron I have made it a point to talk to officials and the heads of the police departments of the various rubber plants in that city and I have been assured by them that in case of labor trouble in the rubber industry they will not engage guards from a private agency but will use only their own men to guard their properties. The reason for this is that they are afraid that a charge will be made by labor that they have imported out-of-town gunmen. Their police departments have been built up to full strength and they have also made arrangements with the sheriff to deputize a number of their employees who are not members of the union in case of a strike.

All of the rubber manufacturers are working together in this matter and they have assured me that this is the plan that they intend to pursue. However, they have promised me that if they should change their plan they will give our agency favorable consideration.

The competition offered by police authorities is, on the other hand, not a novel development. In 1931 and 1932 the American Bridge Co. reported that other contractors who were engaged with it in building the elevated highway across the Jersey meadows near Jersey

i Ibid., pp. 112 ff.
Pt. 15-A, exhibit 2219, p. 5747.
Pt. 15-A, exhibit 2219, p. 5722, a letter from J. W. Erb, manager of the Philadelphia office, to Raymond

J. Burns.

An example of the use of industrial spies resulting in strike business is to be found in the story of the services rendered by the Burns agency to the Tubize-Chattillon Co. in Hopewell, Va. (See pt. 8, pp. 2811–2812 and pp. 2821-2834; exhibits 990-1003, pp. 3109-3116, inclusive. See also pt. 15-A, exhibits 1940-1971, pp. 5559-5576, inclusive.) Discriminatory discharges based upon the reports of a spy furnished by the Burns agency precipitated a strike for which the Burns agency supplied 63 armed guards, many from New York City, on whose services the agency made a profit of over \$3,000.

Pt. 15-A, exhibit 2234, pp. 5756, 5757. Ibid., exhibit 2231, p. 5755; effort of the Burns agency to sell guard service to the Koppers Coal & Coke Co.

City, were obtaining policemen from local authorities at the rate of \$5 a day. In Baltimore, the Burns agency found that local police activities made it difficult to sell guard services.2 The use of the National Guard may also reduce the business of the detective agency.<sup>3</sup>

The agencies, of course, feel that their service is preferable to that of the constituted authorities. For example, in March 1935 the assistant manager of the Chicago office of the Burns agency sought to sell guard service to the Chicago Bridge & Iron Works in anticipation of a strike. Reporting the matter in the inter-office correspondence of the agency, the Burns representative wrote:

Mr. Pillsbury said he had been told that the U.S. Marshall would furnish protection in case of need, but he agreed with my statement that probably the Burns agency with its long experience, would be more efficient than the marshall, especially in undercover investigation in the "enemy's camp" if such were necessary in addition to guard duty."

The connection between espionage and strikebreaking service has been pointed out above, particularly in connection with the service rendered by Foster's Industrial & Protective Bureau to the American Bridge Co.<sup>5</sup> Nothing more clearly marks the distinction between legitimate police protection and the sort of service rendered by detective agencies in time of strike than the emphasis of the latter upon the value of the espionage service which they can supply as an adjunct to their strikeguards.

Some strikes, while in the main handled by the police, offer business to detective agencies in conjunction with the police force. For example, the manager of the San Francisco office of the Burns agency discovered that during the San Francisco water-front strike of 1934, the Water Front Employers' Association planned to use local police for the protection of the strikebreakers which they were arranging to supply, but added that it was possible for the agency to supply guards to the individual companies effected by the strike, for use in addition to the police.

### SECTION 4. VIOLENCE ON THE PART OF STRIKEBREAKERS OR STRIKEGUARDS

It is clear from the description of strike jobs discussed above in chapter III, that one of the commonest results of introducing strikeguards or strikebreakers into a tense strike situation is violence, and in some cases bloodshed. In part this result arises from the character of the mercenaries, and from the universal resentment of strikers at their employment. There are, in addition, two other causes of the violence attendant upon the use of strikeguards and strikebreakers which must be further examined. These are the tendency of the strikeguards or strikebreakers deliberately to provoke violence for their own personal gain, and the possibility that the morale of strikers or pickets may be broken by the exercise of sheer brute force.

<sup>1</sup> Pt. 7, page 2373, Testimony of C. S. Garner; ibid, exhibit 777, p. 2582.

2 Pt. 8, exhibit 954, pp. 2757, 3091, letter Baltimore office manager to R. J. Burns, May 9, 1934; the agency was not, however, prevented from doing a good strikeguard business during water-front disputes. See pt. 8, exhibit 1024, p. 3138.

4 See pt. 15-A, exhibit 2232, p. 5756, letter of W. Sherman Burns.

4 Pt. 15-A, exhibit 2193, p. 5732.

5 See p. 25.

6 Pt. 15-A, exhibit 2174, p. 5719.

As to the commercial detective agencies, it has been made clear above that their financial interest is served both by prolonging the strike and increasing the number of guards or strikebreakers. thus arises an essential paradox in the strikebreaking business; that a dectective agency's interest lies in prolonging or intensifying the strike it is hired to break. In the case of the more permanent and well-established agencies this interest is counterbalanced to some extent by the desire of the agency to establish a reputation with employers and to build up a substantial clientele. This is true of the Burns agency, and also of the Pinkerton agency, as its order book indicates.1 In the smaller agencies, however, or in an agency such as Bergoff's, the pecuniary motive for prolonging the strike or increasing its bitterness knows no such limit.

Whatever the motives of the agency may be, however, the professional strikeguard or strikebreaker is almost invariably interested in continuing the strike. His employment is not steady, and his natural interest lies in having the immediate job extended as long as Thus the finks who are supplied by employer associations whose interest on the whole lies in terminating the strike as quickly as possible, are in no different position from those supplied by strikebreaking agencies whose interest lies in the prolongation of the strike.

Manifestly one of the probable results of violence on the part of the strikers is an increase in the number of strikeguards. Aggressive action on the part of the strikeguards tends to infuriate the strikers and postpone the day of settlement. In many of the strikes examined the strikebreaking agency was on both sides of the fence, having strikeguards in the plant, and street operatives or spies in the ranks of the strikers. Such an agency is in a position to provoke violence on the part of the strikers either by provocation or incitement.

Paul Meggart, a strikeguard frequently recruited by the Associated Industries of Cleveland, whose testimony has been referred to above, succinctly described modes of provocation which, in his experience,

were part of the strikebreaking business.

Mr. MEGGART. Well, they have a tendency, if a job begins to look as though it is about over or not too many pickets on the line, they always do what is known

around Ninth Street as putting some heat on the job, heating up the job.

Senator LA FOLLETTE. What do you mean by heating up the job?

Mr. MEGGART. In order to do this, the men that are hired or already working, or the men that want to get on, either get a delegation of four or five men or they get some of their friends, and the best thing they do is slug a picket or two, which will bring a bunch more out on the line for a while, or go in and throw a rock through a business representative's window, or something like that. During the National Screw they broke out the windows in the Union headquarters there. The fellows would take turn about breaking them out. Of course, that kept the strike going.

Senator LA FOLLETTE. From your experience in this kind of work are such

practices as you have described common?

Mr. MEGGART. Yes, sir.3

Provocation by street operators apparently played a considerable part in the Johnson Bronze strike at New Castle, Pa., in May and June 1934. C. M. Kuhl testified that National Corporation Service had placed spies and hooked workmen in that plant a year or more

<sup>&</sup>lt;sup>1</sup> See p. 23. <sup>9</sup> Pt. 22 p. 9383.

before the strike began on May 28, 1934. A. E. Lawson, former secretary of National Corporation Service, and Mr. Kuhl both worked on with this strike; Mr. Lawson as pay-off man, and Mr. Kuhl as strikebreaker. Both agreed that street operators were placed by the detective agency among the strikers to complement the forty-odd professional strikebreakers and guards who were placed in the plant.3 According to their testimony and affidavits there seem to have been at least four street operators,4 and Kuhl added that some union members were hooked during the strike.

In addition to the forces of National Corporation Service, an experienced spy and strike-guard in the employ of the National Metal Trades Association was circulating through the community of New Castle, "listening to conversation" under instructions to ascertain whether the strike would spread "to any other localities in the brass or bronze industry", and reporting to O. R. Abbott, of the association,

in Chicago.

The services of the strikebreakers lasted 3 days.7 They were housed in a hotel, took their meals in a restaurant, and marched back and forth to the plant on every possible occasion.8 Coupled with this action was unnecessarily provocative behavior which included, according to a union organizer on the scene, the "display of guns, throwing of gas bombs, nipples, bushings, etc." Violence resulted.

The union organizer suspected two persons in the strikers' ranks "who urged many kinds of violent action against the strikebreakers. damaging the plant, etc.", and one of these, according to his statement, took an active part in the violent outbursts. Some of the strikebreakers seem to have known in advance when the culminating struggle was to take place. An affidavit of Walter Korenchan, who was recruited in Cleveland to act as a strikebreaker, reads in parts as follows:

I was assigned to work on a machine, but I refused to work on it because I didn't know anything about it. On the last day that we were in New Castle, when we were having breakfast at the Hotel restaurant a Jewish fellow who was eating with me and whose name was Sacks, I believe, told me as the fellows were getting ready to march down to the plant that I should not be a sap—that there was going to be a fight on the picket line and for me to stay out of it. So the two of us went out and drank beer most of the day and later I heard that there had been a big battle between the crew that I came in with and the pickets.

In the evening Sacks and I went into the plant and got our clothes. paid off there and then we rode out in the bus that was driven into the plant to

We rode in the bus back to Cleveland, Ohio.11

See pt. 1, exhibit 183, pp. 350 ff., a pay-roll list of strikebreakers.
 Ibid.
 Pt. 15-A, exhibit 1834, p. 5459, an affidavit of C. M. Kuhl and Glen E. Fisk.
 Pt. 4, p. 1182, testimony of Joseph Holub. See his strike record in appendix C, p. 154.
 Pt. 15-A, exhibit 1832, p. 5448, an affidavit of A. E. Lawson. The period was May 27-31, 1934, but some of the men seem to have been retained for the period June 1 to 5. (See pt. 1, exhibit 1831, p. 350 ff.)
 Pt. 15-A, exhibit 1831, p. 5446, an affidavit of Edward Roebuck, organizer of the International Brotherhood of Foundry Employees. See also an affidavit of Walter Korenchau, who acted as a strikebreaker at this strike, exhibit 7434, supplementary exhibits, hearings on the Republic Steel Corporation.
 Pt. 15-A, exhibit 1831, p. 5446.
 15 to 15.

<sup>1</sup> Pt. 1, p. 204, testimony of C. M. "Red" Kuhl. See also pt. 1, exhibit 184, p. 343; a client list of National Corporation Service, indicating that the Johnson Bronze Co. was billed for the period July to October 1933 and later, for the period May to December 1934. Ibid, p. 344, account of P. J. Flaherty, of New Castle, Pa., \$203.20 in June 1934. P. J. Flaherty was president of the Johnson Bronze Co. (pt. 15-A exhibit 1832, p. 5448, an affidavit of A. E. Lawson; ibid, exhibit 1833, p. 5454, an affidavit of A. E. Lawson; see also pt. 1, pp. 190 and 194, testimony of A. E. Lawson; pt. 1, p. 204, testimony of C. M. Kuhl; pt. 15-A, exhibit 1834, p. 5469, affidavit of C. M. Kuhl and Glen E. Fisk.

3 See pt. 1, exhibit 1834, pp. 350 ff., a pay-roll list of strikebreakers.

<sup>#</sup> Ibid.

1 Affidavit of Walter Korenchan, exhibit 7434, in supplementary exhibits, hearings on Republic Steel
Corporation. See pt. 1, exhibit 186, p. 351, pay roll of the Johnson Bronze strike, for the names of Koren-

The part played by the street operators in this final encounter is established by the testimony of C. M. Kuhl:

Senator LA FOLLETTE. Did the street operators help to cause the trouble? Mr. Kuhl. Well, I don't know whether this is the truth or not, but G. W. Fiske, one of the street operators, told me when he seen this riot, or all these bricks and gas flying around, he said, "I was trying to hit you with a brick", and says, "I don't know whether I got you, but I probably got somebody else in there." He was right out there in the pickets throwing them bricks.

This outburst resulted in the withdrawal of the strikebreakers, at the orders of the sheriff.<sup>2</sup> Mr. Kuhl's version is perhaps more colorful:

There wasn't anybody killed, but there was considerable beat up, and they finally run all the strikebreakers out of town.

# A. E. Lawson did not consider the job a success:

On the Johnson Bronze Co. job they stoned our strikebreakers, and there was tear gas thrown around, and we were finally chased out of town. It was a case to get the men out of town to keep from having any more trouble, and we had to move them.

In June a partial agreement was reached between the company and the union. In this case the strikebreakers overplayed their role, and provocation resulted in shortening their employment.

Another example of provocation by strikeguards is to be found in the story of the Addressograph-Multigraph strike in Euclid, Ohio, near Cleveland, in May 1935. The Addressograph-Multigraph Corporation, a member of the Associated Industries of Cleveland, called upon John H. Walker, an official of the organization, for strikeguards. Mr. Walker recruited between 70 and 75 guards, in the usual method, utilizing the services of Frank Marquard and, possibly of Ben Gross. The Addressograph-Multigraph Corporation was also a member of the National Metal Trades Association, and called on it for the guard service provided under its strike insurance scheme. When the Associated Industries guards arrived at the plant on May 23, 1935, they found the Metal Trades guards, who had been sent from Chicago, There was nothing for the guards of the Associated already installed. Industries to do at the plant, but they were not dismissed. Charles Adams, who was one of the strikeguards recruited on this occasion, described the subsequent activities of the men supplied by the Associated Industries:

Mr. Adams. Well, I was not assigned to any duty at all in the plant. After we had had breakfast, we got orders to go back out of the plant and go down to

Senator La Follette. Is that the name of a street?

Mr. Adams. That is the name of the village.
Senator La Follette. Where did you go there?
Mr. Adams. Well, we had been to a couple of different places and just kept going around until we got to the fire house in Wickliff, and we stayed there all day. On different intervals, there would be two carloads of the men would go out past the Addressograph-Multigraph factory and circle the plant and come

back to the fire house.

<sup>&</sup>lt;sup>1</sup> Pt. 1, p. 205. According to Kuhl the gas came from the Lake Enie Chemical Co. Records of sales by 1 sderal Laboratories, Inc., show purchases totalling \$857.42 by the Johnson Bronze Co., from April 30 to June 5, 1034 (pt. 15-D, exhibit 3572, at p. 6982).

<sup>2</sup> Pt. 15-A, exhibit 1831, p. 5446.

<sup>3</sup> Pt. 15-A, exhibit 1831, p. 5446.

<sup>4</sup> Pt. 15-A, exhibit 1831, p. 5446.

<sup>5</sup> See p. 30.

Senator LA FOLLETTE. Were there pickets on duty at this time?

Mr. Adams. There was. Senator La Follette. Were you assigned to make any of those trips?

Mr. Adams. I made, I should presume, four to six trips.

Senator La Follette. What was the purpose of those trips?

Mr. Adams. To be around there in case there was any trouble started at the

Senator LA FOLLETTE. How many men would go in a car on these trips?

Mr. Adams. There were from five to—five or six.

Senator La Follette. Were the men armed on this job?
Mr. Adams. No, sir; they were not. That is just clearing the car that I rode in.
Senator La Follette. No; I am only asking that you testify to what you Who gave these orders to go out and make these trips around the plant?

Mr. Adams. Well, there was a man in charge, and he had what is called a lieutenant under him, and we got our orders from this lieutenant, which was one Jack Spooner.<sup>1</sup>

Senator LA Follette. On any occasion when you went out, did your car go through the picket line?

Mr. Adams. Yes.

Senator LA FOLLETTE. Describe what happened.

Mr. Adams. Well, the first couple of trips that we made around, there was just a little hollering, nothing outside of that, until then the third trip, of course, seemed to make the picket line mad on account of the circling the place, and I think it was about the fourth trip, they told us, "You had better not circle it any more," and then on the last trip they give us what they had, bricks and clubs and stuff at the windows.

Senator LA Follette. What did you do or the people in your car do, or what

happened?

Mr. Adams. He just booked out. He just left then. We did not get out of the car at all. They had some police out there from Euclid Village, and when they commenced getting around the car, they held them back and told us to go on out and not come back any more.2

It will be noted that the guards in this instance were not convoying workers into the plant, that they were not deputized to act as guards on the public highway, and that police were present and had the situation under control. This was sheer provocation and nothing else.

In some strikes it is unnecessary for the strikeguards or strikebreakers actually to provoke the strikers to violence in order to create the impression that more guards are needed. Violence or its effects may be feigned by the strikebreakers, with equally lucrative effect. E. J. McDade knew of such instances:

Q. Can you tell us in a general way about the technique of strikebreaking agencies for whom you have worked?

A. If it is quiet some imes at night some of the regular men will get out and cruise around in an automobile and hurl a piece of brick or possibly throw a piece of dynamite, or travel by in a car at 50 or 60 miles an hour and fire a few shots at some of our own guards—this is usually followed with a request for more guards.

Q. Do you recall specifically any job where that occurred? A. Yes, Cleveland, Ohio, during the milk strike in 1921. Q. What agency was involved?

A. Corporation Service Co., operated by a man named "Jew Fields." 4

<sup>1</sup> Pt. 22, exhibit 4259, pp. 9471-9482, shows service of J. Spooner or Jacob Spooner as strikeguard at the National Screw & Manufacturing Co., February-May 1935.

1 Pt. 22, pp. 9397-9398.

3 For further testimony on the part played by the Associated Industries in this strike, see pt. 22, pp. 9366-9398, testimony of Charles Adams; ibid, pp. 9398-9400, testimony of Frank Marquard; ibid, pp. 9400-9408, testimony of John H. Walker, William Frew Long, and Charles K. Arter. The Associated Industries was paid \$3,817 by the Addressograph-Multigraph Corporation for the guards supplied by it during this strike; pt. 21, exhibits 4177 and 4178, pp. 9281 ff. See also pt. 22, exhibit 4264, p. 9487. The record does not show that any of them did any legitimate guard work in the plant. As to the undercover service supplied by Corporation Service Bureau through the Associated Industries to the Addressograph-Multigraph Corporation during this strike, see pt. 21, pp. 9099 ff. As to the part played by the mayor of Euclid in providing and deputizing guards during this strike, see pt. 22, p. 9408; ibid, exhibit 4271, pp. 9511-9636. See also p. 110. As to the guards supplied by the National Metal Trades Association during this strike, see appendix O, group 1, pp. 152-157. See also pt. 3, p. 852, testimony of O. R. Abbott and H. D. Sayre, of the National Metal Trades Association; ibid, exhibit 393, p. 1018, exhibit 394, p. 1019.

4 Pt. 7, exhibit 910, p. 2715, deposition of E. J. McDade.

An instance of this practice, with comic overtones, was described by Al Lamb, a rank-and-file strikeguard employed by the Railway Audit & Inspection Co. in the New York area. In October 1935, according to his statement, he was employed as a guard during a strike of baking companies in Brooklyn. It was his duty to guard the driver of a delivery truck. On the second day of his employment, Joe Brown, strike lieutenant for Railway Audit & Inspection Co., in charge of the job, hinted to him that if his truck returned from his route in a damaged condition, additional guards would have to be employed. Lamb, therefore, thrust his foot through the windshield of the truck while it was out on the route and also threw rocks at the sides of the truck and the hood, bringing three rocks back as evidence. To make the story even more convincing:

We said that the strikers were in a car and were following us and that we had finally lost them by going back and forth over the toll bridge to Bayonne until the strikers did not have any more money. We put in a bill for \$8.00 for bridge

This conduct had the desired effect:

On the Monday after the episode, there was an extra guard put on the truck with me and Brooks. The extra guard had a gun and a permit. He stayed with us for two weeks. The extra guard also received \$.75 an hour.(2)

The whole business was a complete fraud. According to Lamb:

During that whole episode, and also during the five weeks that followed, we were never bothered by a single striker. Staten Island was as quiet as a church that morning.(3)

Another form of violence, which may be either provocative or intimidatory, is the specialized activity known as "slugging." In some strikes where professional strikeguards or strikebreakers are used, a sort of guerrilla warfare arises between them and the strikers. In addition to clashes on the picket line, punitive expeditions may be organized on both sides. Selected groups of strikeguards roam around assaulting and beating isolated groups of strikers. It appears from Mr. McDade's recital of his experiences that this sort of warfare developed in the New Orleans street-railway strike in 1929:

Q. Were you armed?
A. Yes, sir.
Q. What kind of arms did you have?

A. Pistols and clubs.

Q. Were you sent from the Chicago office?
A. From the Chicago office.
Q. What occurred on that job?
A. Well, the usual strike violence—slugging and dynamite.
Q. Who did the slugging and dynamiting?

A. I don't know whether it was done by sympathizers, or not, I suppose strikers.

Q. Did any of the R. A. & I. men, the men with whom you were working, do any of the slugging and dynamiting?

A. They did not do any of the dynamiting but they did do slugging—they went out after the pickets every once in a while and slugged and beat them.

Pt. 15-A, exhibit 1634. p. 5234.
 Pt. 15-A, pp. 5234-5236.
 Pt. 15-A, p. 5234.
 Pt. 7, exhibit 910, p. 2712.

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In a subsequent section of his deposition, Mr. McDade indicated the specialized character of these slugging crews:

Q. What are some other tactics?

A. Well, sometimes we have our own wrecking crew and, if two or three of the union officials were too violent and hurt some of the loyal workers, why we would go out at night, ring their door-bells and put two or three men there to beat them up and put them in the hospital. That's a common occurrence in any job. The

men usually employed for this work are ex-convicts, thieves, gangsters.

In at least three instances examined by the committee, the work of the slugging crews seems to have been part of a deliberate design to break the strike by sheer brutality. Such an instance is offered by the story of the West Point case recounted above. An even more flagrant example is provided by the strike at the General Material Co. occurring in St. Louis, Mo., in June 1932. The whole story is spread upon the records of the St. Louis Police Department.<sup>2</sup>

In the morning of June 7, 1932, at 10 minutes after 6, John Havey, business agent for the concrete workers union, involved in the strike of employees of the General Material Co., was awakened by a telephone call from a person who did not identify himself, but who stated that several union men had been arrested and wanted bail bonds. Havey was staying at the house of his brother-in-law, a striker. As he and his brother-in-law left the house they observed an automobile parked near his home. As they proceeded on their way this automobile followed them and finally crowded them into the curb. Four men, all well dressed, carrying base ball bats and pick-ax handles alighted from the car, attacked and beat Havey and his brother-in-law with their weapons and then drove away. Both men suffered bruises, lacerations of the scalp and possible fractured skulls. A similar assault had occurred the evening before on three other strikers.

These assaults aroused the police, and after making an investigation, they arrested 13 men in a St. Louis hotel. In one of the rooms occupied by these men, the police found one bloodstained pickax handle and a tear-gas bomb. Near the cars used by these men the police found four additional bloodstained pickax handles. Seven of the men so arrested were booked on charges of assault with intent to kill. Investigation revealed that all of the men arrested were employed by the Railway Audit & Inspection Co. to act as strikebreakers and guards in the General Material strike. Among them, and in charge of the activities of the group, was Charles Williams, also known as Whitey or the "Boilermaker," a noted strike lieutenant of the Railway Audit & Inspection Co., whose participation in the New Orleans streetcar strike of 1929 and whose other activities have been mentioned above. Six of the men arrested had previous criminal records; some were wanted in other States for various offenses. Their previous crimes ranged from robbery to carrying concealed weapons.

The most sinister aspect of this incident is the fact that these men, all strangers to the city, were able to identify and single out for assault the union business agent and other strikers. There is no

<sup>1</sup> Pt. 7, exhibit 910, p. 2715.
2 Pt. 1, exhibit 181, pp. 333-342.
3 See appendix C, strike job records of Jimmie Britt, Harry Black, Clyde Emerson Brophy, Maurice Hook, Lee McDaniels, Joe Pullman, Jack Thompson, and C. W. Williams, all of whom were among the group arrested, pp. 184-185, 191-193, and 195.

doubt that this violence was carefully planned, and performed under instructions from those who knew the union participants in the strike, and desired their injury or death. On its face the incident suggests that someone beside the detective agency and its employees was re-

sponsible for the violence.

According to the testimony and statements of two of the strikebreakers involved, a similar slugging crew was organized during the strike of the Reick-McJunkin Dairy Co. employees in Pittsburgh in April 1935. Apparently about 300 strikebreakers were supplied on this job by the Railway Audit & Inspection Co., over half being recruited in New York City, and the others coming from Cleveland and Chicago.<sup>2</sup> According to statement of Al Lamb, one of the Railway Audit & Inspection Co. strikebreakers serving on this strike, Joe Brown, strike lieutenant, gave him and other strikebreakers the license numbers of two autos, told them to try to find the cars, and "to wreck the cars and give the boys the business." Lamb understood that the cars whose license numbers he received contained "strikers or strongarm men for the strikers." According to Lamb's statement his group did not molest any of the occupants of the cars. E. J. McDade had another version of the incident:

Q. Were you in charge of that job?
A. I did some of the hiring until I got down there and I was taken out of the hotel and told to select some men who were supposed to be hard-boiled for this job—sluggers.

Q. Who told you that?
A. A fellow by the name of Williams.
Q. What is his position?

A. Oh, just a gunman—I guess that's all. I got five or six men—two from Chicago and three from New York City. I don't recall their names.

Q. What were you told to do on that strike?

A. Well, some of the workers that stayed in the plant—the loyal workers—were beaten up and put in hospitals down there, and it was found that some of the strikers tried to organize their own men and put them in the plant. Our instructions were to cruise around Pittsburgh and look for this car belonging to the strikers—a Ford V-8 (we had the license number). We were instructed to put them in the hospital, wreck the car and smash it with a sledgehammer.

Q. Who gave you those instructions?

A. I got those instructions from the man who was in charge of the job, Whitey Williams, in charge of the Pittsburgh office of the R. A. & I. He is also known as "the Boilermaker."

Q. How many men did you have with you on this one job?

A. I had a licensed chauffeur, an Italian fellow from Pittsburgh, to drive a car, and four others that I had charge of. I had charge of one car and there were two other cars that followed us around that were doing the same work we were doing and had the same instructions.

Q. Did you find this Ford V-8?

A. Yes, we found it in West Liberty.
Q. How many men were in it?—A. Five former employees of the milk company.
Q. What happened to them?—A. We cornered the car and one man threw

two house-bricks through the windshield to drive the men out of the car. men jumped out of the car; then we worked on them with baseball bats, clubs, and blackjacks. After we did that we gave the men orders to take sledgehammers and pickaxes and wreck the top of the motor car, the motor, the wheels and the glass.

Q. What else did you do on that milk job in Pittsburgh?—A. I didn't do very much of anything—but it took five or six days before we located that car, we had

Pt. 1, p. 119, testimony of E. J. McDade; pt. 15-A, exhibit 1364, p. 5234, affidavit of Al Lamb.
 Pt. 15-A, exhibit 1634, p. 5234; pt. 7, exhibit 910, p. 2711, deposition of E. J. McDade.

to cruise around town—and we ended the job right there. The Attorney General chased the whole outfit out of the town.1

Here again the slugging crews seem to have been acting in accordance with a well-defined and formulated plan drawn up by someone in charge of the strike operations.<sup>2</sup>

# SECTION 5. RESPONSIBILITY OF EMPLOYERS FOR VIOLENCE CAUSED BY STRIKEBREAKERS AND STRIKEGUARDS

The long record of the violence and provocation committed by strikeguards and strikebreakers raises the question of the degree to which employers are responsible for such conduct on the part of men whom they have brought into the disputes between them and their employees. It may be stated at the outset that in recent years at least, employers have reasonable notice of the sort of men that will be supplied to them for strike duty by detective agencies. It should not cause an employer any surprise that the men recruited for him by a detective agency are of criminal or violent character, thieves, petty grafters, or worse. Nor should the clothing of such men in a uniform, rented by the agency at so much per day, blind the employer to their true character and profession.3

That some employers recognize the probability of violence when they hire strikeguards is indicated by the provisions of the standard form of contract used by the Burns agency, exempting the employer from liability for the conduct of the guards. A representative of the Burns agency testified that this form of contract was used when the clients so desired, and that this was "very often." 4

One index of the responsibility of employers for violence may be found in their frequent insistence that strikeguards be armed. Agencies having a reputation to be preserved, quite often shrink from placing arms in the hands of their professional finks. As W. Sherman Burns, principal of the Burns agency, testified:

We avoid using armed men if we can, because there is more liability, but when the client requests it

Similarly, the Pinkerton order book forbade agency patrolmen to carry firearms.6

Strikeguards, having a predilection for arms, are occasionally caught carrying or using weapons in spite of the instructions of their superiors to the contrary. Mr. Paul Meggart testified that the guards usually armed themselves with whatever they could get.7 The record discloses several cases of guards who were apprehended by the police for the use of arms during strikes in which, according to the testimony of agency officials, arms had been prohibited.8 Such incidents, which

i Pt. 7, exhibit 910, p. 2711, deposition of E: J. McDade.

For another instance of the slugging of union men by strikebreakers on the orders of a strike lieutenant, and with the apparent connivance of company representatives, see pt. 15-A, exhibit 1633, p. 5233, affidavit of Al Lamb, concerning a bakery strike in New York City, Dec. 6, 1935.

See pt. 15-A, exhibit 2229, p. 5754 for information concerning rental of uniform by the Burns agency in

San Francisco.

\* See pt. 8, pp. 2858-2857, testimony of J. W. Erb. See p. 86.

\* Pt. 8, p. 2860.

\* Pt. 15-B, exhibit 2813, p. 6071, order No. 105 of the Pinkerton order book.

\* Pt. 22, p. 9382.

\* Pt. 8, pp. 2862 ff, testimony of J. W. Erb, manager of the Philadelphia office of the Burns agency; pt. 15-A.

\* exhibits 2064-2068, pp. 5631-5634, an account of the shooting of two pickets by a Burns agency guard employed by the Moore & McCormack (steamship) Co., Inc., during the strike on the Philadelphia water front in November 1936. See also pt. 8, p. 2864, exhibit 1028, p. 3141, for information concerning the arrest of a Burns guard for carrying weapons during a strike at the Atlas Linen & Towel Service Co. in St. Louis, Mo., on July 28, 1935.

may be traceable largely to the violent proclivities of the guards, are infrequent in comparison with examples of the arming of large numbers of guards on a grand scale, something which cannot occur without

the approval of the employer.

Employers were directly responsible for the purchase and use of arms by strikeguards in the West Point Manufacturing Co. case, the Ohio Rubber Co. case, and the Lake Charles case, all recounted in detail above. In the Black & Decker case the responsibility can be traced to the National Metal Trades Association. In practically all

cases involving the purchase of tear gas the employer is responsible.

The attitude of the employer toward the arming of guards was expressed by Curtis S. Garner, general manager of erection for the American Bridge Co., in the course of his examination concerning the use of armed guards during construction of the Pulaski Skyway over the Jersey meadows in Jersey City in 1932. One of these

guards shot and permanently injured a picket.1

Senator LA FOLLETTE. Did you have any apprehension that arming these men with weapons, deadly weapons, might lead to shooting somebody?

Mr. GARNER. No more than if we had a policeman assigned to us for our job. He is just a chunk of meat there if he hasn't got arms or is armed some way, so far as protection is concerned.2

In addition to the strike cases described above, the committee's record contains examples of violence directly instigated by the employer and carried out by his agents without the intervention of any detective agency or other intermediaries. The hearings on Harlan County are replete with stories of violence committed by deputy sheriffs in the pay and under the direction of the coal operators. During the hearings concerning the Birmingham, Ala., area J. W. McClung, investigator for the State of Alabama, testified to the particularly brutal conduct of persons apparently connected with the Acmar and Margaret mines near Birmingham, a case which he had investigated in his official capacity. According to his testimony and an affidavit in the record, a group of miners belonging to the United Mine Workers of America were planning a march to this mine for organizing purposes. In anticipation of their coming, charges of dynamite were placed under the road along which they were expected. In addition, ambushes were arranged for riflemen. On October 28, 1935, the dynamite charges were detonated as the miners neared them, and, as a result, an organizer was killed.4

The Republic Steel Corporation, during a strike at its subsidiary, the Berger Manufacturing Co. in Canton, Ohio, in May 1935, terrorized not only strikers and pickets, but innocent citizens throughout the community, by the use of members of its own company police force, who rode through the streets firing tear gas and shotguns indiscriminately. A pregnant young housewife, who had no connection with the strike, was shot by company guards outside her home nearly 2 miles from the plant. An old man, sitting on the steps of his home, was struck in the head by a tear-gas shell, and subsequently died.

<sup>&</sup>lt;sup>1</sup> See p. 25.
<sup>2</sup> Pt. 7, p. 2380, testimony of Curtis S. Garner. For other instances of requests for employers that guards be armed, see pt. 8, pp. 2864-2865, testimony of Raymond J. Burns and W. Sherman Burns.
<sup>3</sup> Pts. 9-13, inclusive. See also the committee's forthcoming report on company police systems.
<sup>4</sup> Pt. 3, p. 775, testimony of Joseph S. Gelders; pt. 3, exhibit 370, p. 969; pt. 3, p. 793, testimony of J. W.

detective agency was involved in these depredations, which lasted for a period of 3 days. As a result of the conduct of their own guards. the company settled personal-injury cases totaling \$46,326.88.1

Instances of this kind of outright violence on the part of the employer indicate the existence of a market, however restricted, for the "rough stuff" which the detective agencies are capable of supplying. A Burns representative in San Francisco reported to his superiors in March 1935, that the general manager of a steamship company whom he had interviewed, being desirous of breaking off relations with a longshoremen's union, wanted "men, not watchmen" and would not accept any guards who were over 40 years of age.2 It sometimes occurs that the employer demands measures that even the detective agencies are reluctant to employ. Such reluctance may arise from the desire of the agency to avoid notoriety. This seems to have been the fundamental reason for the Pinkerton agency's restrictions on its acceptance of strike business.<sup>3</sup> In other cases the reluctance arises from the agency's fear of incurring damage suits for personal injury that will far outweigh any financial gain.

The correspondence of the National Metal Trades Association reveals an effort to resist an employer's demand for violence during a strike in Jamestown, N. Y., in 1933. L. A. Stringham, the manager of the New York City branch office of the association, had gone to Jamestown to assist the Art Metal Construction Co., a member of the association, during a strike of its employees in August 1933. The management of the company was apparently dissatisfied with the progress of the strike. In reporting on his conversations with representatives of the company's management, Mr. Stringham wrote to Homer D. Sayre, commissioner of the association, as follows:

As V. P. and Gen. Mgr. of the Art Metal Construction Co., Smith leaves entire matter in Larson's hands to work out with us. Yet while leaving same with Larson, suggests and says he would like to see and bring in a force of real hard boiled men who are anxious to take care of themselves without regard to mechanical ability. That is what Davis wants also. Sellstrom with Lenna would like to see some of the radicals trimmed up. He is not critical of us and we did a good job for him and he appreciates the Association's assistance in his behalf. King is critical along with Davis and says we are open to criticism for not bringing in hard-boiled men to clean up on the mob. Larson is not critical as he fully realizes what he is up against, in the chief of police he has sponsored. He was dead sure of police protection and it has been a disappointment to him. The Chief, Axel Levin yeses Larson; then goes out and favors the strikers and stands pat that Larson has no business bringing in men from the outside. Boarding house list is exhausted. No boarding house will take man as police department says they cannot protect them against strikers.

Commissary is the only avenue left open to the company now unless some unforeseen weakness on the part of strikers becomes apparent during the next several days. The company has felt that a commissary was not the thing and should be used only as last resort.

Smith does not want public opinion against him or the company; yet at the same time he is willing to risk common sense and good judgment to allow himself to get in trouble. We do not get credit for keeping our members out of trouble, but are criticized for not getting them into trouble.

<sup>1</sup> Pt. 23, exhibit 4329, p. 9973. For a full account of the conduct of the Republic police in this strike see pts. 23 and 24. See also committee's forthcoming report on company police systems.

3 Pt. 8, exhibit 2173, p. 5718. For another expression of employer interest in obviously drastic measures, see pt. 15-A, exhibit 2183, p. 5725.

3 See pp. 22 ff.

4 Pt. 15-A, exhibit 1888, p. 5498, a letter from Mr. Stringham, dated Aug. 10, 1933.

Mr. Stringham's objection to the use of "real hard-boiled men" was

apparently a fear of unfavorable public opinion.

An example of reluctance to take business that may result in damage claims is furnished by the correspondence of the Burns agency concerning the longshoremen's strikes in 1934 and 1935. Norman J. York, manager of the Houston, Tex. office of the Burns agency, had assured his principal, Raymond J. Burns, that he was making every effort to secure the strike business that was expected to arise from the longshoremen's strike in 1935. Mr. Burns, as appears from the correspondence, had received reports that the Houston office had refused strike business in a similar strike in 1934. To clear himself, Mr. York wrote the following explanation:

I did refuse one organization who refused to tell me who they were, on the telephone, other than that they were a stevedore organization, and later I found out it was the Southern Stevedore Company, and my reason for refusing this request was that they wanted me to furnish them with guards with sawed-off shot guns to blast their way through the line of pickets at the docks, to kill if necessary and would not in any respect assume any responsibility or liability. This was during the election year in Houston, the Police did not furnish the proper protection it is true, neither could we secure any special commissions at this time due to the fact that Newspapers were constantly criticizing the Administration for their attitude in issuing commissions and I felt that the little money we would make out of the case would involve us in too much liability, as well as damage suits which did result to Mr. English, the friend of Mr. Lindsey of the Southern Steamship Company.

At no time have I ever lost sight of the fact that I am in a responsible position and the things I do and say can easily involve the Agency in a damage suit and it was with that thought in mind that I refused to furnish guards to do the required murderous wishes of a client who would not in any way assume any part of the responsibility or liability. Another thing was that he wanted these guards turned over to them, to act under their command and instructions and do their dirty work without supervision of this office, which I refused and I believe it was the proper thing for me to do and believe you will fully concur with me in the foregoing

facts.2

In the 1934 strike, according to Mr. York, guards employed by the steamship companies had fired from a vessel into a group of strikers and strikebreakers on the dock, injuring many and causing numerous damage suits against the company.3 It is quite clear from his correspondence that it was a concern to avoid such damage suits that was the principal consideration in his refusal to utilize guards with sawed-

off shotguns in the manner requested.

The purpose of employers who contemplate such strikebreaking measures is the creation of sheer terror. For the employer, however, violence has another use which is more subtle and possibly more An outbreak of violence can be utilized, through the press or other media of public opinion, to discredit the strikers. A particularly flagrant example of the fomentation of violence for this latter purpose occurred in the struggle of the rubber companies against the United Rubber Workers in Akron, Ohio. National Corporation Service furnished industrial espionage to the General Tire Co., of Akron, Ohio, intermittently during the years 1933 and 1936, to the B. F.

<sup>&</sup>lt;sup>1</sup> Pt. 8, exhibit 1031, p. 3143; pt. 15-A, exhibit 2200, p. 5734.

<sup>2</sup> Pt. 8, exhibit 1031, pp. 3143-3144, a letter from Norman J. York to Raymond J. Burns, dated Oct. 9, 135. See also pt. 8, p. 2867, testimony of Raymond J. Burns. 1935.

For an example of warlike measures taken against a picket line, see pt. 15-A, exhibit 1639-B, p. 5240.

Goodrich (rubber) Co. in 1933 and 1934 and to the Firestone Tire & Rubber Co. of Akron in 1934 and 1935. As part of this service to the rubber companies, the National Corporation Service sent a group of men to Akron to create a disturbance in a union meeting. A. E. Lawson explained the purpose of this maneuver as follows:

Mr. Lawson. There was four or five men sent to Akron to try to raise a disturbance in a union meeting which was to be held in a public school.

Senator La Follette. What was the purpose of that?

Mr. Lawson. It was to break up that union. The union was figuring on requesting an advance in wages, and holding these meetings in the public schools, if it would bring it to the attention of the people, if there was a disturbance raised there, that the schools were no place to hold such meetings. And as there was not any hall in Akron large enough to accommodate the crowds they had at the meetings it would kind of slow down their union meetings.

Senator La Follette. Do you know whether it was accomplished? Mr. Lawson. It was; yes. And two of our men were arrested.2

Among the men sent to create this disturbance was C. M. Kuhl, and another was J. P. South.<sup>3</sup> The others, according to Mr. Kuhl, were "a bunch of gorillas." To get into the meeting they obtained union cards under false pretences from the union. An undercover operative in the union, named Felix Catlin, was supposed to rise and make a speech at the conclusion of which Kuhl and "the gorillas" were to express dissent, start a fight, and end the meeting with a riot. On two successive occasions the operative failed to make the inflammatory speech. Mr. Kuhl felt that it was up to him to carry the job through:

Senator La Follette. Did you talk to Felix to find out why he didn't make

these speeches?

Mr. Kuhl. I am not supposed to talk to him, I am supposed to be on the opposite side of the fence when Felix goes in to make his speech. It didn't happen, and I thought well, I will go back to Youngstown again, and I will hear about this, so I thought I would start a little commotion in there.

Senator LA FOLLETTE. What did you do?

Mr. Kuhl. Destroyed a little property, broke some chairs and windows.

Kuhl and his associates were arrested, but later released.

The purpose of the episode was to fix the label of rowdyism on union labor in Akron.

In Chicago, in May 1934, the Burns agency, according to its records, was asked to provoke violence among pickets during a restaurantworkers' strike. The client who requested this service was the Chicago Association of Restaurateurs. The Burns journal memorandum on the case reads as follows:

Yesterday, H. Heibel, secretary of the Chicago Association of Restaurateurs and the owner of the restaurant in the Otis Building, conferred with WHC relative to a strike of the kitchen and pantry help in the Edgewater Beach Hotel and stated that the pickets who had been placed around the hotel had endeavored to persuade truck drivers and delivery boys to cease delivering food-stuffs and supplies to that hotel and then asked the writer's advice regarding engaging strong arm men for the purpose of promoting a fracas with the pickets, primarily for the purpose of proving that the pickets were forcibly preventing the delivery of materials.

<sup>1</sup> Pt. 1, exhibit 184, pp. 342 ff; ibid, pp. 191, 192, testimony of A. E. Lawson.

3 Pt. 1, p. 192, testimony of A. E. Lawson.

3 For the strikebreaking record of J. P. South, see appendix C, p. 180.

4 Pt. 1, p. 208, testimony of C. M. Kuhl.

5 For another reference to the incident, see pt. 15-A, exhibit 1829, pp. 5440 ff., an affidavit of Warren A. McLaughlin, a rubber worker hooked for National Corporation Service by W. H. Gray.

6 Pt. 15-A, exhibit 2026, p. 5607.

It was later decided it "would be unnecessary to use the strongarm men as originally planned," if undercover men could be placed in the clubrooms and meeting halls of the union.1 The practice of using strikeguards or strikebreakers to manufacture disorder to be used as a basis of legal action against the strikers has been mentioned at other places in this report.<sup>2</sup> It is a practice of such long standing that it has even attained judicial recognition and comment. Judge Amidon, of the United States District Court for the District of North Dakota, in passing upon an application for injunction against the strikers during the Railway Shop Crafts strike in 1922, found that petitioner's evidence was provided largely by its armed guards and private detectives, and stated:

The danger of intimidation and attack is not confined to aggressions by strikers. The impartial history of strikes teaches that there is as much danger to strikers on the picket line from private detectives and sometimes from new employes, as there is of the same kind of wrong on the part of strikers against new employes. My experience in the present strike clearly confirms that view. The strikers on the picket line are entitled to have enough present to shield them against the temptation of their adversaries to resort to violent methods. also need the same protection against trumped-up charges or unfair evidence relative to any assaults that may occur on either side.

This judicial observation was made in 1923, but the committee's record shows that the practice has not been abandoned since that time.

#### SECTION 6. DEPUTIZATION OF STRIKEGUARDS

The dangers of lawsuits for personal injury and arrest for the illegal possession or use of weapons lead the detective agencies to seek to have their strikeguards deputized whenever possible. Deputization enables the men to carry arms with impunity and furnishes a legal defense in suits and prosecutions arising from their use. A number of State laws governing the commissioning of persons to act as deputy sheriffs or special policemen are extraordinarily loose and do not prohibit the appointment of nonresidents.4

The Pinkerton order book indicates that its representatives were under orders to obtain deputization for agency patrolmen whenever possible. Raymond J. Burns testified that his agency sought to have its guards deputized whenever the client requested that they be armed. On July 29, 1935, the manager of the Atlanta office of the Railway Audit & Inspection Co. wrote to one of its salesmen, W. H. Gray, concerning strike service, as follows:

Further, we would not take over the job unless we secured for our men deputization by the local police or the sheriff. If you run into a strike job, tell the president or the owner of the mill that we will not handle the matter unless we secure the help and assistance of the local sheriff as well as his cooperation. It is dangerous to do otherwise.7

This policy was apparently also followed by the northern representatives of the Railway Audit & Inspection Co. Representatives of this

Ibid.
 See, for a circumstantial example, the description of the Statler Hotel strike in Cleveland, Ohio, above.
 Great Northern Railway Co. v. Brosseau, 286 Fed. 414 (1923).
 For a further discussion of this topic, see this committee's forthcoming report on company police systems.
 Pt. 15-B, exhibit 2613, p. 6070.
 Pt. 8, p. 2853, testimony of Raymond J. Burns.
 Pt. 1, exhibit 136, p. 307.
 Pt. 15-A, exhibit 1734, p. 5312, a letter from W. H. Gray to G. Eugene Ivey, dated July 30, 1935.

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agency did not, however, find such a policy at all inconsistent with an avidity for strike business of the most violent and bloodthirsty sort. On September 3, 1935, Mr. Gray wrote to his superior as follows:

No doubt you have seen in the papers about the recent trouble in Pelzer, S. C., and perhaps you are wondering why that I did not go down there being so close by, but I felt that it was useless as Mr. Blackmon knows of our service and I have talked to him and Mr. McNab with tears in my eyes trying to persuade them to let me help them, but I can not do anything with them as they are determined to let the Gov. handle this thing, and tie himself up and apparently they are doing a swell job of it, as he has another killing to his credit and 22 others wounded by gunshot wounds in the hospital. It certainly is discouraging, but I feel that I did all that I could and chased after them, trying to get that work.<sup>1</sup>

The disastrous effects of clothing the average strike guard or strike-breaker with the authority of the State are obvious. Nor can it be claimed that public officials who lend themselves to such travesties of police power always do so unwittingly or in good faith. The possibilities for graft and corruption latent in the practice of deputizing private armies are tremendous. The career of C. R. Ely, mayor of the city of Euclid, Ohio, in the years 1934 and 1935, exemplifies this aspect

of strikebreaking economics.

The city of Euclid furnished the Chase Brass & Copper Co. with special policemen during a strike in April 1934, for whose services the company reimbursed the city in accordance with Ohio law. Similarly, the city billed the Addressograph-Multigraph Corporation for some 80 special policemen supplied to it during its strike in May and June 1935. A subsequent investigation by the auditor's department of the State of Ohio revealed that none of the money paid by either of these companies for special policemen had found its way into

the city treasury.

Further investigation revealed that the special policemen used were armed guards supplied by the Clay Folger and the Karl F. Schmidt detective agencies. These men had been commissioned by the mayor; he had submitted bills far in excess of the actual cost of their services to the companies involved, and, in the case of the Addressograph-Multigraph Corporation at least, pocketed the difference. On this one strike, the mayor made a profit of over \$7,000. The state examiner found against him in favor of the treasury of the city of Euclid in the sum of \$32,918, being the total amount collected by him under color of office for special policemen and diverted either to his own pockets or those of the detective agencies.<sup>2</sup>

The mayor of Euclid's technique was simple enough. His official power over the issuance of policemen's commissions made him essential to the detective agencies desiring to operate in the town. The large sums of money involved in the strike business, and the customary laxity of accounting procedure in time of strike provided both his incentive and his opportunity. Unless severely regulated by State statute the strategic power of commissioning policemen or deputizing sheriffs places other public officials in situations having similar

potentialities.

<sup>&</sup>lt;sup>1</sup> Pt. 1, exhibit 137, pp. 307-308. As noted above, the guards of the Railway Audit & Inspection Co. at the Lake Charles affair were all deputized.

<sup>2</sup> Pt. 22, exhibit 4271, p. 9511, a report of C. R. Egbert, state examiner, on the investigation of the Euclid Special Police Agency, and special police rendered by the city of Euclid.

# SECTION 7. FORMATION OF "CITIZENS" COMMITTEES"

As Mr. Kuhl's testimony, quoted above, indicates, it has long been the practice of the missionaries or street operators employed by the detective agencies to stir up antistrike sentiment not only among workingmen but also among small business men and other sections of the community. As the Sherman detective agency described the practice in a booklet advertising its services, published in 1917:

In a very careful way our operatives caused a realization to come over the storekeepers who catered to the strikers, so that they were able to easily note that it was unprofitable for them to have the strike continue, and that it would be wisdom upon their part to encourage the strikers, who were their customers, to return to work.2

From such rudimentary beginnings the detective agencies, in recent years, have turned to the formation of full-fledged "citizens' commit-Some of them today apparently offer the employer the service of setting up a citizens' committee, through the efforts of street operators, in which the hand of the employer will be entirely concealed. Max Sherwood, head of the Sherwood detective agency, of New York City, offered such a service to E. T. Cunningham, executive vice president of the R. C. A. Manufacturing Co. of Camden, N. J., shortly before the strike at that company in June of 1936. Mr. Cunningham's testimony on the subject is as follows:

As I previously stated, both Sherwood and Williams stated that the old method of using strikebreakers and violence and things of that kind to win or combat a strike were things of the past; that the way to win a strike was to organize community sentiment; that they had been very successful in handling plans of that sort. They showed me enrollment slips—I cannot recall the exact title, but it was something like "Citizens Welfare Committee" of such and such a city. They showed me a large full-page ad, I believe from an Akron newspaper, in connection with a strike. They said they handled that. They sent men from door to door to get citizens to sign these membership slips, and if possible to get them to contribute to advertisements which would be run over the name of the socalled citizens' welfare organization, saying good things about the company and endeavoring in that way to promote a friendly public attitude to support the company. The details were a little more than that, but in substance that was the plan.

Senator LA FOLLETTE. Did he say, or did you gather from the newspaper advertisements and the blanks that he showed you, just what the citizens com-

mittee was to do?

Mr. CUNNINGHAM. Well, it was not clear, other than the favorable public reaction, throwing the weight to one side as against the other; that is the only— Senator LA FOLLETTE. Did this Akron newspaper ad, as you remember, was it signed by a citizens' committee?

Mr. Cunningham. Citizens' welfare committee, or something like that.

Senator LA FOLLETTE. Was the general effect of the advertisement to create the impression on the reader that the citizens' committee was taking the company side of the affair in Akron, so to speak?

Mr. Симиндим. Yes; and without any apparent identity with the company;

it was to appear as an independent proposal as far as the public was concerned.
Senator Thomas. Did he show you any editorials that he thought he could have printed in the newspapers as a result of this advertising?

Mr. Cunningham. There was something on that. My memory is not very good on just what he did show me, and I would not want to say exactly, but there was that impression, that editorials and news articles would be developed but that the citizens would be organized to take the lead in the interest of the company and employment and they would organize that and the company apparently was not having anything to do with it.

See p. 72.
 Society, Industry, and the Human Element (p. 32), published by the Sherman Detective Agency (Boston 1917), held in committee's files.

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Senator Thomas. You apparently got the impression his big job was to mold public sentiment?

Mr. CUNNINGHAM. That was the impression. At the time, the strike was something new to me and I thought it was worth trying.

Senator Thomas. He was to use the radio, newspapers, and house-to-house

Mr. Cunningham. Yes, sir.

Senator LA FOLLETTE. Mr. Cunningham, at this conference did they mention the fact that this might also be referred to as a law and order league, or something like that?

Mr. Cunningham. Yes, sir. That was the main theme, now that you remind me; yes.1

Pursuant to this arrangement the Sherwood detective agency sent 25 men to Camden. These men, however, were discharged after 3 or 4 days because of the failure of the agency to fulfill its agreement to supply the RCA Manufacturing Co. with 200 State detectives. The company broke off relations with the Sherwood detective agency immediately after the strike began, paying the agency for the services of 200 men for 1 day and for the services of the 25 propagandists for a somewhat longer period.

A letter from the Sherwood agency to the company, dated July 8, 1936, indicates that the first function of the 25 propagandists was to be the usual missionary work among striking employees. The letter states that Robert Shannon, vice president in charge of manufacturing, was to give the propagandists a list of all the employees who did not report for work. This Mr. Shannon never did, and the agency was dismissed. There is no evidence to indicate that these propagandists ever attempted their more ambitious program of creat-

ing a citizens' committee.

Whether the Sherwood agency ever, in fact, participated in the formation of a citizens' committee in Akron is not clear. A "law and order league" was set up in Akron (Summit County) in 1936 with the knowledge and financial support of the rubber companies.4 Paul W. Litchfield, president of the Goodyear Tire & Rubber Co., who testified concerning this law and order league, did not state that any detective agency had participated in its formation. There is, however, information, unconfirmed by this committee, that an abortive citizens' committee had been created in Akron in 1935, in anticipation of a strike, by the Bergoff agency. According to independent researches carried on by a private investigator and author, the citizens' committee initiated by the Bergoff agency never saw actual service since the expected strike did not materialize. The committee never made an official investigation of these assertions, but it may have been some such activity in Akron to which the representatives of the Sherwood agency referred.

The Citizens' Law and Order League which was organized in Akron in the 1936 strike was led by former Mayor C. Nelson Sparks. Its inflammatory and vigilante character was emphasized by Mayor

<sup>&</sup>lt;sup>1</sup> Pt. 8, pp. 2881, 2882, testimony of E. T. Cunningham.

<sup>2</sup> See p. 76 and pt. 8, pp. 2888-2891, testimony of Robert Shannon, vice president in charge of manufacturing of the RCA Manufacturing Co. and E. T. Cunningham, president of the RCA Manufacturing

Pt. 8, p. 2891, testimony of E. T. Cunningham.

4 Pt. 8, p. 2951, testimony of Paul W. Litchfield, president of the Goodyear Tire & Rubber Co. This company contributed \$15,000 to this law and order league. Ibid: p. 2952.

5 Preliminary hearings on S. Res. 268, pp. 269-270, testimony of Heber Blankenborn; referring to extracts from a biography of Pearl Bergoff, entitled, "I Break Strikes" by Edward Levinson, Robert McBride & Co., Inc. New York, 1935.

Sparks in a speech made over the radio on March 17, 1936, in which he said:

Help us to gang up for constitutional law and order in this wonderful city. Help us to make this Law and Order League so representative of public opinion that we can say to those out-of-town radical leaders, who have lighted the fires of discontent in this city, to get the hell out of here, and we are not going to be too much interested in the dignity of their going.1

Later in the same year George Williams, who does business as George Williams & Co., in New York City, a veteran of considerable note in the strikebreaking business, was offering a citizens' committee service to employers.<sup>2</sup> On July 9, 1936, George Williams wrote to T. M. Girdler, chairman of the board of the Republic Steel Corporation, describing the services of his agency as a new departure in handling labor problems.<sup>3</sup> Referring to the organizing campaign of the Committee for Industrial Organization and the changing public attitude toward union organization, Mr. Williams went on to say:

We are prepared to present a program that is not only fool-proof, but also Federal-Proof. Our plans can be affected without arousing the civic, church and "liberal groups" to adverse criticism.4

Mr. Williams condemned the usual methods of private detective and strikebreaking agencies and continued:

Why not try our system which will eliminate unrest, agitators and the unions from your plant without placing anyone in your plant as all our work is done from the outside. In case there is a strike, we need no guards, etc., thus eliminating the attendant unfavorable publicity which accompanies their use. On the other hand, we bring the employees back to work.

The foremost and most important work in cases where a strike impends or already has been called is to organize the inert mass of citizens in the community through mass pressure under the direction of our trained propagandist-organizers so that a handful of professional union organizers cannot force the community

to dance to their terroristic music.

If labor disputes are fomented as part of a political or economic program, they must be counteracted by similar methods and your workers indirectly enlisted in the campaign against unions with the community behind them; led by our trained men, they direct the purge of the professional organizers and their sympathizers who will automatically be eliminated, cleansing the entire community of all disrupting elements. This movement must come from outside the plant and your Company need not be known as sponsoring it.

The Republic Steel Corporation did not subscribe to Mr. Williams' service and on November 21, 1936, he wrote again saying:

The manufacturer must build his own defense through proper organization and must help make these employees immune from the influence of the agitators. Our methods will bring to every man and woman in your employ the responsibility of doing his or her share to avert industrial strife. Their friends and immediate neighbors, the citizens of the community will be enlisted to help maintain continuous production and eliminate the troublemakers.

The committee's record indicates that the organization of citizens' committees is a comparatively new practice on the part of detective agencies. It is entirely possible that other agencies have added it to their list of services since the conclusion of the committee's investigation of their business.

<sup>&</sup>lt;sup>1</sup> Pt. 8, p. 2952.

<sup>2</sup> Ree above, p. 6, for his services in the West Virginia coal strikes. According to Levinson, op. cit., Williams assisted Bergoff in forming the citizens' committee in Akron in 1935.

<sup>3</sup> Pt. 25, exhibit 4491, pp. 10814 ff.

<sup>4</sup> Ibid, p. 10814.

<sup>5</sup> Ibid, pp. 10814-10815.

<sup>6</sup> Ibid, p. 10816.

# CHAPTER VI. RECENT LEGISLATION AFFECTING STRIKEBREAKING SERVICES

#### SECTION 1. INTRODUCTION

The passage of the National Labor Relations Act in 1935 demonstrated that Congress continued to insist upon acceptance of the principle of collective bargaining which it had enunciated in section 7 (a) of the National Industrial Recovery Act. Experience under section 7 (a) had proved that specific and unambiguous statutory language together with adequate administrative machinery were necessary to remove the restrictions and obstacles placed in the way of employee organization and collective bargaining by employers reluctant to deal collectively with their employees. Experience under section 7 (a) and under the National Labor Relations Act in the first year of its existence also demonstrated that such employers would not hesitate to use the strikebreaking services which they had used in the past to effectuate their antiunion policy. Experience also showed that the remedies offered by the National Labor Relations Act and the National Industrial Recovery Act could not be applied directly to the use of such strikebreaking services. Furthermore, it became apparent that the traditional strikebreaking services constituted an evil in and of themselves.

Section 7 (a) and the National Labor Relations Act affected strikebreaking services incidentally as a part of a labor relations policy based on the refusal to bargain collectively. The mere use of such instrumentalities as the professional strikebreaker did not of itself constitute an offense.

In 1936, therefore, Congress took a new step in its treatment of this phase of labor relations. Through the Byrnes Act of June 20, 1936, the Congress struck a direct blow at the strikebreaking evil which had so long vexed and embittered industrial relations in this country. This statute, in effect, sought to take one element of the antiunion labor relations pattern and make it an offense in itself. The statute made it a crime to transport persons in interstate commerce for the purpose of interfering with peaceful picketing. This committee's investigation, which began almost contemporaneously with the passage of the statute, has included an examination of its operation and effects. This section of the report will deal with the history and terms of the statute, its judicial application, and its effect on the strikebreaking business.

More recently three States have enacted laws dealing specifically with the evils of the strikebreaking business within State borders. A discussion of these statutes is necessitated, together with an estimate of their practical effect and the present condition and prevalence of the strikebreaking business.

#### SECTION 2. LEGISLATIVE HISTORY OF THE BYRNES LAW

Congress first took action to legislate against the strikebreaking evil with the introduction of a bill by Senator James F. Byrnes of South Carolina on February 26, 1935. This bill, which became law on June 20, 1936, made it a felony to transport persons in interstate or foreign commerce with the intent to employ such persons to obstruct or interfere with the right of peaceful picketing in a labor controversy affecting wages, hours, or conditions of labor, or the right of organization for the purpose of collective bargaining. The reports of the Senate and House Committees on the Judiciary, respectively, indicate that the broad purpose of Congress in this bill was to strike a blow at the entire strikebreaking business. The reports display cognizance of the evils arising from the introduction of professional mercenaries into industrial disputes.

The Senate report reads in part as follows:

The object of this bill is to prevent the importation into a State of so-called 'professional strikebreakers' for the purpose of obstructing and interfering with citizens of a State engaged in peaceful picketing during a labor controversy. necessity for its enactment is the development of organizations styled "detective agencies," employing thousands of men who are sent into various States of the Union where labor controversies exist, with the intent and the purpose to have such persons interfere with and obstruct citizens of the State engaged in lawful The importation of such persons into a State for such purpose invariably results in acts of violence and bloodshed.3

The House report, after discussing the detective agencies and their personnel, went on to condemn in principle the use of professional strike followers in industrial disputes:

The importation into any State of persons from outside the State to interfere in labor controversies, it is demonstrated by experience, fans the fires of resentment, and incites further strife and bloodshed.

It was clear from the face of the bill that its effect would be limited to those cases where actual transportation across State lines had occurred. It could not reach situations where strikebreakers were recruited within the State, or where they had come in at their own expense and on their own motion. What its effect would be in cases where it applied depended largely on the construction given to the words "to obstruct or interfere, in any manner, with the right of peaceful picketing during any labor controversy affecting wages, hours, or conditions of labor or the right of organization for the purpose of collective bargaining." That these words restricted the operation of the bill to a sphere much smaller than the entire evil that Congress had in mind was first indicated, in debate in the Senate, by the sponsor of the bill himself. Senator Byrnes said:

Mr. President, the object of the bill is to bring within the law the few national agencies which employ armies of men for the purpose of sending them into various States of the Union to interfere in labor controversies through obstructing and interfering physically with those who are engaged in peaceful picketing.5

<sup>1</sup> The text of the act is as follows:
"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall knowingly transport or cause to be transported, or aid or abet in transporting, in interstate or foreign commerce, any person with intent to employ such person to obstruct or interfere, in any manner, with the right of peaceful picketing during any labor controversy affecting wages, hours, or conditions of labor, or the right of organization for the purpose of collective bargaining, shall be deemed guilty of a felony and shall be punishable by a fine not exceeding \$5,000, or by imprisonment not exceeding two years, or both, in the discretion of the court." Approved, June 24, 1930
274th Cong., 1st sess., 8. Rept. 1420, July 29, 1935; 74th Cong., 2d sess., H. Rept. 2431, Apr. 17, 1936.
374th Cong., 1st sess., 8. Rept. No. 1420, p. 1.
474th Cong., 2d sess., H. Rept. No. 2431, p. 1.
474th Cong., 1st sess., Congressional Record, p. 14105.

Thus, at the outset, the interference with the "right of peaceful picketing" was restricted to physical contact or conflict between guards or strikebreakers and those engaged in peaceful picketing. Whether the phrase "right of organization for the purpose of collective bargaining" was intended as a qualification of "labor controversy" or was to be construed as the object of "obstruct or interfere with" was never

Neither the reports nor the debates indicate that Congress was aware of this ambiguity. Strict construction of criminal statutes being the rule, the attitude of the courts could probably have been expected to limit the prohibition to interference with picketing only, and not to enlarge it to cover interference with the right of organization. restriction of the protective scope of the statute to picketing results in obvious loopholes. Conceivably, an intent to interfere with those not engaged in picketing might fall without the statute; and clearly an intent to avoid physical conflict in the use of strikebreakers, provocateurs, and of missionaries or propagandists would not be within the scope of the language. It was clear therefore, that the statute would neither constitute a comprehensive regulation of the detective agencies as such, nor prohibit the use of all their services in time of strike. Nevertheless, in view of the known propensities of professional strikeguards and strikebreakers for violent and lawless behavior it was to be hoped that the passage and enforcement of the law would cause a reluctance on the part of employers to use, and on the part of the agencies to proffer the services of such men.

The act was passed by the Senate on August 22, 1935, and by the House on June 19, 1936, with only three Congressman speaking aganst

it. It was signed by the President June 24, 1936.

## SECTION 3. APPLICATION OF THE BYRNES ACT

#### (A) THE REMINGTON RAND CASE

The first prosecution under the Byrnes Act was brought by the Government against James H. Rand, Jr., president of Remington Rand, Inc., and the notorious Pearl L. Bergoff, long known as a purveyor of guards, strikebreakers, industrial spies, and propagandists, operating from New York City. The defendants were indicted in the United States District Court for the District of Connecticut for transporting certain persons from New York City to Middletown, Conn., with the intent to employ these persons to interfere with the right of peaceful picketing during a labor controversy. The acts for which the defendants were indicted occurred during the course of a strike of the employees at Remington Rand, Inc., plants during May and June, 1936. This strike, together with its causes and the conduct of Remington Rand, Inc., in refusing to bargain with and in discriminating against its employees, was the subject of hearings before the National Labor Relations Board: The National Labor Relations Board rendered its decision in the case on March 13, 1937,2 finding the respondent guilty of violating section 8, subsection 1, and section 8, subsection 5 of the National Labor Relations Act and likewise of interfering with, coercing, and restraining its employees in the exer-

<sup>3</sup> N. L. R. B. 626 In the Matter of Remington Rand, Inc., and Remington Rand Joint Protective Boards of the District Council Office Equipment Workers, Case No. C-145. See pt. 18, exhibit 3861, p. 7947.

<sup>&</sup>lt;sup>1</sup> Mr. Merritt of Connecticut, Mr. Rich of Pennsylvania, and Mr. Blanton of Texas. Mr. Blanton said that it was such bills as this that caused the depression. (74th Cong., 2d sess., Congressional Record, p. 10219.)

<sup>2</sup> N. L. R. B. 626 In the Matter of Remington Rand, Inc., and Remington Rand Joint Protective Boards

cise of the rights guaranteed in section 7 of that act. The Board ordered Remington Rand, Inc., to desist from violating the act and to take certain affirmative action, including the reinstatement of discharged personnel and the disestablishment of certain companydominated unions.

The decision and order of the Board was upheld by the United States Circuit Court of Appeals for the second circuit in all respects necessary

to make the order effective.1

The decision and findings of the Board in this case gave a detailed and exhaustive picture not only of the Remington Rand strike as a whole, but of the important role played in it by various strikebreaking and detective agencies employed by Remington Rand, Inc. Official records contain few more comprehensive accounts of the purpose and function of the strikebreaker and the strikeguard than the Board's decision in this case. While the prosecution of Bergoff and Rand covers on y a small segment of the strike picture, it is necessary to place it against the background of the strike as a whole, in order to appreciate its full significance.

The National Labor Relations Board found that the strike of the Remington Rand employees was precipitated by the refusal of the company to bargain collectively with the chosen representatives of the employees.2 The principal demand of the unions involved was for a conference with fully authorized and empowered representatives of the management, which they could not obtain. The whole story of the strike reveals that the intent and purpose of the company throughout

was to demoralize and destroy the unions.

Remington Rand, Inc., had plants in Ilion, Tonawanda, and Syracuse, N. Y., Middletown, Conn., and Norwood and Marietta, Ohio, all of which were affected by the strike, which was called simultaneously at all plants on May 26, 1936. In anticipation of the strike call, James H. Rand, Jr., president of Remington Rand, Inc., employed, in the week prior to May 26, 1936, four detective or strikebreaking

During the course of the strike Remington Rand, Inc., made use of eight detective agencies or strike lieutenants, paying them, in all,

over \$145,000.

Of these agencies the Labor Board took testimony concerning the four which were employed at the outset. These were Foster's Industrial and Detective Bureau, of New York City, to which, according to the Labor Board's decision, the company paid \$30,000; Bergoff Industrial Service, Inc., of New York City, to which the company paid \$25,000; 4 the William J. Burns International Detective Agency, Inc., to which the company paid approximately \$25,000; and Capt. Nathaniel S. ("Crying Nat") Shaw of New York City, to whom the company paid \$300.6 In addition to these agencies men-

<sup>1</sup> National Labor Relations Board v. Remington Rand, Inc., 94 Fed. 2d 862, (1938),

§ N. L. R. B. 626, p. 642. See pt. 18, exhibit 3861, pp. 7956 ff.

§ N. L. R. B. 626, p. 632. See pt. 18, exhibit 3861, p. 7960. The Labor Board's figure is somewhat inaccurate According to data in the possession of the committee Foster's agency received a total of \$28,024.72.

§ 2 N. L. R. B. 626, p. 632. See pt. 18, exhibit 3861, p. 7960. The Labor Board's figure seems to exceed by \$850 the amount actually paid to Bergoff, as indicated by data in the possession of this committee.

§ 2 N. L. R. B., 626, p. 632. See pt. 18, exhibit 3861, p. 7960. This figure as stated in the Labor Board's decision does not agree with the summary of monthly charges made to Remington Rand, Inc., during the strike by the Burps agency(pt. 8, exhibit 937, p.3071), which shows the total to be \$28,327.18. This latter figure is, however, in excess of the amount shown to have been received by the Burns agency, by other data in the possession of the committee. According to this data the total received was \$23,421.54.

§ 2 N. L. R. B., 626 p. 632. See pt. 18, exhibit 3861, p. 7960. See also Ibid. p. 7998. Captain Shaw did not actually provide any guards or strikebreakers.

tioned in the Labor Board's decision, data in the possession of the committee show that other famous strikebreakers and strike-breaking agencies participated in the business of the strike. Joe Brown, of New York City, a leading strike lieutenant for the Railway Audit & Inspection Co., Inc., received \$3,071.40 in connection with the supplying of guards at Ilion, N. Y. Brown's career has been mentioned above, and his more recent activities will be discussed in section 7 of this chapter. C. W. ("Boilermaker") Williams, one of the most famous and most battle-scarred veteran lieutenants of the Railway Audit & Inspection Co., Inc., received a total of \$14,956.78 in connection with guards supplied at Tonawanda, N. Y. The Railway Audit & Inspection Co., Inc., of Philadelphia, received a total of \$8,130.46, but whether this was for the supplying of strike guards or for some other strike service is not known. The Central Industrial Service Co., of Pittsburgh, a subsidiary of the Railway Audit & Inspection Co., Inc., engaged exclusively in espionage work, received The Cal Crim Detective Bureau, of Cincinnati, Ohio, took a larger share of the business than any other detective agency, grossing \$42,486.56. This agency was active in connection with the Norwood and Marietta plants of the company in Ohio. mately \$3,000 of this total went for the purchase and operation of certain busses; the rest seems to have been paid for guards, detective and operative service, and expenses incidental thereto.

The total of \$145,000 paid to detective agencies and strikebreakers represents roughly 24 percent of the total strike expenses of Remington Rand, Inc., during this strike. It is practically impossible to estimate accurately the number of strikeguards, strikebreakers, missionaries, and spies supplied by these agencies. Because the hearings of the Labor Board were concerned with only four of the agencies involved, its figures concerning the number of detective-agency employees engaged is necessarily incomplete. These figures indicate that Foster's Industrial and Detective Bureau provided 100 guards, the Burns agency a total of 105 guards, and Bergoff Industrial Service a total of 304 men, who served either as guards, strikebreakers, or missionaries, making a known total of roughly 500 persons. These guards or strikebreakers were distributed among the plants of the corporation as follows: At Ilion, N. Y., 220; at Syracuse, 145; at Tonawanda, 80; at Middletown, Conn., 69. In addition, the Foster agency supplied 2 spics who served in Middletown, and the Burns agency supplied 4 serving in Tonawanda, Ilion, and Syracuse.2

The decision of the Labor Board reveals that the persons supplied by these detective agencies performed the three customary strike services: acting as strikeguards, strikebreakers, and missionaries. In breaking the strike in each of the six towns, Rand followed a well-defined campaign, which he himself designated as the "Mohawk Valley Formula." Briefly stated, Rand's plan of action was to exert economic and personal pressure upon the leading citizens and law enforcement officials of the towns, in order to create "citizens' committees" or vigilante

¹ These figures were compiled from the decision of the Labor Board, 2N. L. R. B., 626 p. 719 (pt. 18, exhibit 3861, pp. 7947 fl.), by adding together the number of guards and other detective-agency employees serving at the various plants of the company. Therefore, these figures are not strictly accurate, since there were transfers of some of the same guards or strikebreakers from one plant to another. See testimony of Michael Casey, pt. 1, pp. 161 fl., who served as a missionary for Bergoff in Ilion during this strike, and later, as a strike-breaker, at Middletown, Conn. Since the Labor Board did not take testimony concerning the other agencies, it is probable that the total of strikeguards and strikebreakers was well over 500.

¹ 2 N. L. R. B. 626, p. 719. See pt. 18, exhibit 3861, p. 7999.

² 2 N. L. R. B. 626, p. 659. See pt. 18, exhibit 3861, p. 7966.

groups whose intimidatory activity would break the morale of the strikers and precipitate a return to work. This method of procedure was considered novel at the time. It was an improvement on the older tradition of direct intervention by the employer through the use of strikeguards and strikebreakers, examples of which have been discussed above in chapter III. It is noteworthy that the men provided by the detective agencies perform an important and integral role in the "Mohawk Valley Formula." Their traditional activities fitted nicely into the scheme of community pressure which was the ultimate factor in breaking the strike.

To Ilion, N. Y., the Foster agency sent 50 guards, who appeared in the plant on the morning of the strike. This number was later increased to 100. On the following day, 50 guards from the Burns agency appeared and began to patrol the streets of the town armed with clubs and guns. Up to this point, the picketing had been peaceful, but according to the Board, the presence and reputation of the armed guards immediately created tension. The sheriff of Ilion felt that the presence of the guards and their conduct would probably create trouble and refused to deputize them, in spite of the insistence of the company

that they be given commissions.1

On about the 6th of June, Bergoff had approximately 70 men in Ilion. According to Bergoff's testimony, Rand wanted these men to go around to do "missionary" work, that is, to persuade the employees to return to work. Bergoff felt that this activity on the part of strangers would not be fruitful. What the 70 men did is not very clear. Bergoff testified that "they were simply mixing around the help and listening, just hanging around, making themselves useful." Apparently they were carrying on some sort of a whispering campaign against the strike. Bergoff was asked by counsel for the Board whether he gave his men any instructions for carrying on such activities. He replied:

No, a man that cannot go out and do his work without my instructing him every time is no good. These fellows get good wages. For Heaven's sake, if they can't go out and do their work right, after being at it fifteen or twenty years, they would have to have a nurse or something.<sup>2</sup>

Certain employees of the company belonging to a so-called independent union not affiliated with the American Federation of Labor, together with foremen of the company, circulated among the striking employees encouraging them to return to work. After some days of this activity on the part of the Bergoff men and the loyal employees. a back-to-work vote was taken and the opening of the plant was announced. At this point an utterly unfounded rumor sprang up that Ilion was to be invaded by 500 strikers from another town. Board found it impossible to discover the source of this rumor, but it may have been set in motion by some of the many street operators and propagandists working in the neighborhood. Acting on the basis of this rumor, the local police authority, under the pressure of a citizens' committee, deputized 300 citizens, who, armed with shotguns and rifles, patrolled the town, blocked the roads, requiring passes and identification cards of all who desired to enter the town. The union headquarters were padlocked, and the strikers were again interviewed in their homes by the foremen of the company and told to return to work. With the town in such a state of hysteria, the plant was opened and a considerable number of the strikers returned to work.

<sup>1 2</sup> N. L. R. B. 626 p. 652. See pt. 18, exhibit 3861, pp. 7961-7962. 2 N. L. R. B. 626, p. 662. See pt. 18 exhibit 3861, pp. 7967.

At Tonawanda Mr. Bergoff supplied 75 to 85 men on the 7th and 8th of June. According to his testimony, the purpose of these men was to enter the plant as if they were strikebreakers. Bergoff testified that Rand said that he had a great many loyal employees that wanted to return to work and he would like to have these people go there as if they were seeking work.1 The men were brought to Tonawanda in taxicabs and disembarked about a half mile from the plant toward which they started to march in two groups several blocks apart. According to union witnesses these men carried rocks and sticks and were "real big, husky, plug-uglies." Mr. Rand was present inside the plant with a motion-picture camera. There was a clash between these strikebreakers and the pickets, who showered them with rocks, according to Bergoff's testimony.

Immediately after they had entered the plant and the riot had subsided, the strikebreakers, having served their purpose, were transported away. Mr. Bergoff's testimony concerning Mr. Rand's

interest in the affair is most revealing:

I met Rand in the plant about an hour or two afterwards. He had been taking pictures, moving pictures and I really believe it was a very good stunt on Rand's part because he took some nice pictures and showed how my men were showered with bricks. I believe he published some in the papers afterwards showing how the peaceful pickets molested those who wanted to go to work. In fact, he identified some of these employees of his, that were on strike, throwing bricks and showering rocks on these peaceful chaps I had, wanting to go to work.<sup>2</sup>

The Board found that the whole affair was prearranged and premeditated:

Rand deliberately had these men, posing as people applying for work, stage a march into the plant knowing that their presence would infuriate the strikers to the point of combat. \* \* \* The violence thus manufactured could be put to many uses—propaganda to mould public opinion against the unions, evidence to be used in injunction suits as Bergoff explained, the basis of a request for local police protection or the National Guard.8

The same technique was followed at Syracuse, N. Y. Twenty-five armed Burns guards, whose ranks were later increased to 50, appeared in the plant as soon as the strike was called. They patroled the grounds around the plant, carrying arms, but the mayor refused Mr. Rand's request to let them patrol the streets of the city. About 2 weeks after the strike had begun, Bergoff, at Rand's request, sent 25 or 30 men to the Syracuse plant. His testimony on this subject is concise:

The same thing happened in Syracuse two days afterwards, when Rand wanted me to send some men in to the Syracuse plant, which I did ninth or tenth. I sent twenty-five or thirty men in there when everything was O. K., but Lord God, when they left the plant, we had the Syracuse police department out and ten thousand people trying to murder them.

Following this incident, Rand called the Mayor of Syracuse and asked that the National Guard be called out and that large quantities of tear gas be purchased.

Later on, in Syracuse, the strike still being partially effective, the Burns agency guards deliberately provoked another violent incident.

<sup>1 2</sup> N. L. R. B., 626, p. 670. See pt. 18, exhibit 3861, p. 7972. See pt. 18, exhibit 3861, p. 7972. See pt. 18, exhibit 3861, p. 7972. See pt. 18, exhibit 3861, p. 7973. See pt. 18, exhibit 3861, p. 7973. See pt. 18, exhibit 3861, p. 7977. See pt. 18, exhibit 3861, p. 7977.

As on other days in the past, at closing time, a group of nearly 500 persons came out of the plant and entered automobiles parked on a lot opposite the plant, the lot being owned by the respondent and used as a parking lot. These people were accompanied by about 10 Burns men, armed with revolvers. The entire proceeding appeared to be peaceful and the crowd in the street expected nothing more than the customary driving away of the cars on the lot. Suddenly, one of the Burns men pounded with a stick on the sidewalk. At that signal the people jumped out of the cars and, armed with guns, clubs, sticks, blackjacks and other weapons, sushed to attack the group in the streets. rushed to attack the group in the streets. A general fight then took place.1

Meanwhile, 60 of Bergoff's men had been acting as "missionaries." They were all provided with identification cards which indicated that they were employees of the personnel department of the company. These men were paid \$10 a day and remained on the job from May 30 to July 11. A smaller group of Bergoff men resumed "missionary" work in Syracuse in July. The company provided these men with a list of the employees in the Syracuse plant. Their technique, according to the testimony of one of them, was to visit the homes of the workers and "confuse their logic" as to the strike. Apparently Bergoff's reluctance to use outsiders as propagandists was not as

strong in Syracuse as it was in Ilion.2

In Middletown, Conn., where the Government later chose to test the Byrnes Act, Rand's technique of exerting pressure on the strikers through the community, stood out in particularly bold relief. As in the other towns, Rand sought, first, to frighten the community with the threat that he would move the plant away unless the strikes were ended on his terms; and, second, to turn public opinion against the strikers because of strike violence and disorder. In the other towns where he applied these techniques with success, the townspeople, motivated by fear of losing business, and taking as their justification the occurrence of strike violence, proceeded to drastic measures against the strikers and their representatives. In Middletown, Rand's techniques were only partially successful. Consequently, they are more transparent and easier of analysis. Professional strikebreakers and strikeguards played an important role; first, in dramatizing Rand's threat to move the plant; and, second, in seeking to foment disorder.

The first step in Middletown was to announce that the plant was closed and that the machinery was to be shipped away. A large "for sale" sign was set up on the building. To make the matter more pointed, the cause of removal was stated to be the mayor's failure to provide adequate police protection for those who wanted to work. Since the strike was practically unanimous in Middletown, and there had been no disorder, this step failed of its desired effect. The mayor and the leading citizens did not start a campaign against the strikers; instead they resented Rand's arrogance. They were, however,

uneasy that the plant would actually be moved.8

Rand, therefore, apparently decided to stage a reversal of his policy. He would announce, in the most dramatic way possible, that he would keep the plant in Middletown, at the request of the citizens and nonunionists, and thus elicit the town's help in running it. He planned a personal appearance, for which he needed a stage full of supernumeraries. For these he turned to "Red Demon" Bergoff.

On June 25 Bergoff recruited 59 professional strikebreakers in Now York City. These were to pose as millwrights, appearing in response

<sup>1 2</sup> N. L. R. B., 626, pp. 682-683. See pt. 18, exhibit 3861, p. 7978, 2 N. L. R. B., 626, pp. 682-683. See pt. 18, exhibit 3861, pp. 7979-7980. Ibid. p. 7988 ff.

to an advertisement inserted in the Middletown papers for "25 mill-wrights to start work immediately dismantling and skidding machinery for shipment." Mr. Bergoff's description of the qualifications of these men was revealing:

A man, a fink, as you call him in the newspapers, he is anything; he may be a carpenter today, a plumber tomorrow, a bricklayer the next day; this particular day they were millwrights.

One of the men recruited was the notorious Sam "Chowderhead" Cohen, a strikeguard of 20 years standing, whose long and varied criminal record has been discussed above.

Rand rode to Middletown from New York City in a private railroad car with these finks, addressing them en route and coaching them in the role they were to play. The day set for their arrival in Middletown was also the day set for a meeting between Rand and an association of nonunion workers petitioning for a reopening of the plant. The plant management asked the town for additional police protection, stating that it feared disorder between the pickets and the expected millwrights. Consequently, the police detail was increased sevenfold. The stage was set for violence. The "millwrights" arrived, mingled with, and jostled the pickets.

Some of them went into the plant, some, according to instructions, remained outside. One of them was picked out of the picket line by the police and taken to the police station for questioning. However, no disorder occurred, as it had at Tonawanda, under similar circumstances.<sup>2</sup>

Thus, in part, the plan had failed; but the "millwrights" had, at least, dramatized Rand's wholly fictitious intent to dismantle the plant. The arrival of the millwrights took place in the morning. During the day the mayor conferred with Rand, and preparations were made for a meeting of employees at the plant in the afternoon. At this meeting the millwrights became members of the throng, applauding Rand's speech, in accordance with his instructions, and at its conclusion, rushing into the plant yard to see the "For sale" sign torn down. Newsreel cameramen took pictures of the scene, and Rand congratulated Bergoff on his good work. The chief of police of Middletown ordered the "millwrights" out of town that night.

As at the other plants of the corporation, the strikebreakers at Middletown were used as part of Rand's comprehensive design to provoke violence, shake union morale, and deceive the community. They were an implement of his deliberate intent to destroy the collective bargaining agencies set up by his employees.

#### (B) PROSECUTION OF BERGOFF AND RAND

Rand and Bergoff, as codefendants, were indicted and tried on the basis of this Middletown episode, for violating the Byrnes Act. On November 18, 1937, they were acquitted. The charge of District Judge Carroll D. Hincks constitutes, to date, the only judicial interpretation and application of the Byrnes law.

The indictment contained only one count, charging defendants with transporting persons in interstate commerce with the intent of inter-

<sup>1 2</sup> N. L. R. B. 626, pp. 682-683. See pt. 18, exhibit 3861, p. 7990.

1 Ibid., p. 7991. See also testimony of Michael Casey, one of the "millwrights," pt. 1, pp. 164-165, concerning this incident. See also testimony in U. S. v. Bergoff and Rand.

1 Pt. 18, p. 7991.

fering with or obstructing peaceful picketing in a labor controversy affecting wages and conditions of labor. Thus, the indictment, by omitting all reference to the phrase "the right of organization for the purpose of collective bargaining," avoided raising the question of the ambiguity in the statute. By the terms of the indictment it became unnecessary to decide whether the statutory offense included interference with the "right of organization" or not. The issue was strictly limited to peaceful picketing.

The statutory offense has two elements, transportation in interstate commerce and an intent to employ the persons transported for the purpose of obstructing or interfering with peaceful picketing during a labor controversy. The court defined the word "employ" as substantially identical with "use" or "utilize." The obstruction or interference, he said, must be physical, and distinguished such interference as might arise from "any words or device not involving physical action." The picketing must be peaceful at the time the intent is found to be in existence. In defining peaceful picketing the judge did not restrict the term to picketing without disorder, violence or intimidation. He permitted the jury to consider whether the number intimidation. of pickets was "substantially greater than that reasonably necessary to accomplish the legitimate objects of peaceful picketing." Picketing in greater numbers than was reasonably necessary, he said, might constitute "a device to cloak a system of organized intimidation." 2 The judge further permitted the jury to consider events subsequent to the transportation, if, in its opinion, they had any bearing on the question of peaceful picketing. The existence of a union demand for question of peaceful picketing. a general increase in the wages of the Remington Rand employees brought the labor controversy within the terms of the statute requiring "a labor controversy affecting wages, hours, or conditions of labor."

The case revolved around the intent of the defendants in transporting the finks to Middletown. The defendants sought to show that the finks were imported for the purpose of dismantling the plant and not with any design to interfere with peaceful picketing. On this crucial issue the judge instructed that it was proper to consider whether the purpose of the defendants in transporting the men was to dismantle the plant. He further stated that it was legitimate for the defendants to make a "bluff, pure and simple" of dismantling the plant although they may have had no intention of actually moving the machinery.

The Court stated further:

It is common knowledge that in the process of bargaining, collectively or otherwise, the parties commonly begin by demanding an objective that they have no expectation of fully attaining.3

It is clear that Rand was not engaged in the process of collective bargaining; that in fact he had refused to bargain collectively, and that his "bluff" was part of a design to break the strike and destroy the collective-bargaining agency of his employees. Such a "bluff" need not necessarily involve an intent to interfere physically with

I The words of the statute upon this point are "to obstruct or interfere, in any manner, "".

But see remarks of Senator Byrnes, quoted on p. 116.

In this definition the judge was obviously using the standard of peaceful picketing established in the labor injunction cases, e. g. American Steel Foundaries v. Tri-City Central Trades Council, 257 U.S. 184 (1921). It may be doubted that the same standard should be applied under the Byrnes Act. In the labor injunction cases the character of the picketing is directly in issue. Under the Byrnes Act, if the picketing has not been disorderly and has been carried on to the satisfaction of the local police authorities, and the employer has not applied for an injunction against it or other relief, it would seem to be peaceful enough to comply with the intent of the statute. comply with the intent of the statute.

\* U. S. v. Bergoff and Rand, charge to the jury, Hon. Carroll C. Hincks.

peaceful pickets, but it does not necessarily preclude such an intent. Certainly the defendants were aware that the method chosen to carry out their "bluff," namely the importation of "Chowderhead" Cohen and other underworld characters into a small Connecticut town could reasonably have been expected to result in physical interference with peaceful picketing. This was particularly true in view of the experience of the defendants, prior to the Middletown incident, in bringing professional strikeguards to Tonawanda, N. Y.

In instructing the jury, the court went beyond the question of whether the intent of the defendants was to dismantle or pretend to dismantle the plant, and pointed out that there were other possible motives and purposes for the transportation of the strikeguards but not mentioned in testimony, which did not violate the act. The court mentioned these other possible motives so that in his own words, his instructions would "reach any situation of fact which the jury, out of the welter of conflicting testimony might find to be true." In the first place, the judge stated that it was perfectly legal for the

In the first place, the judge stated that it was perfectly legal for the owner of a factory, whose operations are closed by a strike, to employ such help as is willing to work. On this point he continued:

And even if such an employer has good cause to believe that the employment of help under such circumstances may result in violence on the part of the strikers, the law does not require that he shall retire to his lair like a rabbit and submit to threatened violence. He may proceed about his lawful business and leave to those who first resort to violence the legal consequences thereof.

Of course there was nothing in the case to indicate that the Bergoff men were employed to run the factory. The court's instruction, however, raises the whole question of the position of the strikebreaker under the Byrnes Act. The statute makes no distinction between bona fide replacements and professional strikebreakers, unqualified for the job, whose function is merely to break the striker's morale. Under the Byrnes Act the employment of professional strikebreakers has a bearing only upon the intent of the persons transporting them in interstate commerce. The employment of "Chowderhead" Cohen should certainly negate any intent to operate a struck plant, but it may be difficult to go further and assume that the employment of "Chowderhead" Cohen indicates beyond a reasonable doubt a purpose to interfere physically with peaceful picketing. In any case, however, it is clear that the evils of the strikebreaking business result from the use of professional strikeguards and strikebreakers regardless of the ostensible use to which they are put.

The second hypothetical motive which the court offered for the consideration of the jury was that the purpose of using the strike-guards might have been to secure evidence of union violence. This passage of the charge reads in full as follows:

And again I can instruct you that it is entirely lawful for the owner of a factory or any of his executives, when the plant is picketed by strikers, to seek by lawful means evidence or information as to whether the strikers are causing him injury by threatening violence to those lawfully desiring to enter his employ. In such a situation, if he suspects that the pickets, though seemingly or ordinarily peaceful, are in fact intimidating possible employees, it is not unlawful for him to test his suspicions by causing strangers, whether from within or without the state, to come to the factory through the picket lines, on the ostensible mission of seeking work, provided, of course, he neither instructs nor intends that such persons shall by word or act attempt to provoke violence or other evidence of intimidative tactics. And if under such circumstances the pickets, without cause, resort to

<sup>1</sup> U. S. v. Bergoff and Rand, charge to the jury, Hon. Carroll C. Hincks.

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violence or intimidation, any evidence thus obtained may properly be used for what it is worth in injunction proceedings or for any other proper purpose.

Whether such an interpretation of the act is correct or not, the practice of using detective agency employees ostensibly for the purpose of securing evidence of violence has, itself, been productive of disorder and violence. Finks are entirely capable of manufacturing the evidence they are sent out to secure, as District Judge Amidon pointed out in the case of Great Northern Ry. Co. v. Brosseau, 286, Fed. 414, from which we have quoted above. Only a thin line divides the use of professional strikebreakers for the purpose of securing of evidence from the use of agents provocateurs, or the devices of entrapment. As far as intent under the Byrnes Act is concerned, an employer who hires "Chowderhead" Cohen to secure evidence of disorderly picketing may well be charged with the knowledge that "Chowderhead" is reasonably certain to pick a fight with the pickets. It is perfectly true that the act does not, by its terms, prohibit the interstate transportation of persons with the sole intent to secure evidence of unlawful Yet it is equally true that the broad purpose of Congress in passing the Byrnes Act was to keep Bergoff's assortment of thugs from being transported in interstate commerce to swagger through

Viewed as a whole, the case against Rand and Bergoff raises serious questions as to the efficacy of the Byrnes law. Taking the charge of District Judge Hincks as an example of the interpretation which this act must meet in the courts, it is apparent that Congress should indicate more explicitly and comprehensively, for the guidance of the courts, those features and practices of the strikebreaking business which it desires to eliminate.

The net effect of the Rand-Bergoff prosecution must have been a severe blow to the effectiveness of the Government's attempt to curb the evils of the strikebreaking business. Here was a strike of major proportions in which five large detective agencies and three notorious strikebreaking lieutenants were employed, receiving over \$145,000 for services which were not only pivotal in the employer's scheme to crush the union, but attended by the customary violence and disorder. For activities carried on in this strike, the Federal Government for the first time, indicted and prosecuted a strikebreaking agency. The result was an acquittal. That some of the strikebreaking agencies were apprehensive about the effects of the Byrnes Act will be demonstrated later in this chapter; but the failure of the act to impose any penalty upon the most notorious and outspoken strikebreaker of them all, must have given the whole profession great encouragement.

# SECTION 4. AMENDMENT OF THE BYRNES ACT

Before the trial of Bergoff and Rand, Congress had initiated amendments to the Byrnes Act, in order to cure its apparent deficiencies. The purpose of these amendments was; first, to make it clear that interference by threats as well as by force was included under the act; and second, to resolve the ambiguity as to whether an intent to interfere with the rights of self organization or collective

<sup>1</sup> U. S. v. Bergoff and Rand, charge to the jury, Hon. Carroll C. Hincks.

bargaining was meant. On June 29, 1938, an amended act was approved which reads, in part, as follows:

That (a) it shall be unlawful to transport or cause to be transported in interstate or foreign commerce any person who is employed or is to be employed for the purpose of obstructing or interfering by force or threats with (1) peaceful picketing by employees during any labor controversy affecting wages, hours, or conditions of labor; or (2) the exercise by employees of any of the rights of self organization, or collective bargaining.<sup>1</sup>

The Senate Committee on Education and Labor, on June 28, 1937, in reporting 2 the amended bill favorably, submitted to Congress letters from the Secretary of Labor and the Attorney General, explaining the effect of the proposed amendment. The letter from the Secretary of Labor stated that the bill was apparently intended merely to clarify the previous act without making any important substantive change. The Secretary of Labor pointed out, as did the Attorney General, that an offense would be committed under the amended bill if there was obstruction or interference with either peaceful picketing or the exercise by employees of any of the rights of self organization, thus eliminating the ambiguity of the original act. The Secretary of Labor pointed out that the amended bill made the strikebreakers themselves, as well as their employer, guilty of an offense. The Attorney General pointed out that the amended measure specified that either force or threats would constitute the obstruction or interference required.

The amended act thus, through the use of the word "threats" does away with the limitation in the original act, as construed by Judge Hincks, that strikebreakers or guards must use physical force.

There is also no doubt, under the amended act, that peaceful picketing is not the only protected activity on the part of employees, but the effect of the phrase, "exercise by employees of any of the rights of self organization, or collective bargaining," will depend entirely upon judicial construction. In the opinion of the committee it is unwise to leave so broad a clause entirely to judicial construction, without further specification.

To return to the Rand case, it will be perceived that whether the use of Bergoff's men at Middletown constituted interference by force or threats with the rights of self organization would have presented a serious problem to the court in instructing the jury. The committee's whole record indicates that the business of strikebreaking is kept alive by such practices as making a provocative show of working, acting as agents provocateurs, propagandists or missionaries, and parading back and forth through picket lines for the alleged purpose of securing evidence concerning the character of the picketing. Whether any of these practices would constitute interferences by force or threats under the amended act is open to question. In its legislative approach to the strikebreaking business, Congress must bear in mind that the courts need guidance and concrete definitions of the evils which they are to eradicate. The strikebreaking business should be approached as a business, and those practices which are known to constitute the ordinary course of the business, and to cause violence, bitterness, bloodshed, the prolongation of labor disputes, and interferences with collective bargaining should be clearly defined and outlawed.

<sup>&</sup>lt;sup>1</sup> Public, No. 779, 75th Cong., 3d sess., 52 Stat. 1242, 18 U. S. C. A. 407a. 

<sup>2</sup> 75th Cong., 1st sess., Senate Report No. 821, June 15, 1937.

If this approach be taken to the strikebreaking business, it becomes apparent that jurisdiction based on the interstate transportation of strike guards and strikebreakers is not sufficient. As this report indicates, pools of strikebreakers collect in large industrial cities and are available for use in the surrounding territory, with the usual effects, without crossing State lines. The use of such strike guards or strikebreakers by large industrial enterprises will produce or prolong interruptions of interstate commerce whether the men cross State lines or not. The Remington Rand case, itself, offers an example. The Government could not have prosecuted Remington Rand, Inc., for its use of strikebreakers at Ilion, Tonowanda, or Syracuse, N. Y., where their activities were even more dangerous than they were at Middletown, because all these strikebreakers were recruited and employed in New York City. Congress has available, through its power over business engaged in or affecting interstate commerce, a-clear constitutional jurisdiction to extend its attack upon the strikebreaking business.

## SECTION 5. EFFECT OF THE BYRNES ACT ON THE STRIKEBREAKING BUSINESS

The passage of the Byrnes Act had an immediate effect on some of the detective agencies, while others apparently ignored it. Captain Nathaniel S. (Crying Nat) Shaw, at the time of the passage of the act, was recruiting strikebreakers in New York City under an agreement with Remington Rand, Inc., to ship them to its plant in Middletown, Mr. Rand, president of Remington Rand, Inc., offered Shaw \$5,000 to bring the strikebreakers he had collected to Middletown, but Shaw refused to take them across the State line.1 The Bergoff agency, on the other hand, furnished its "gorillas" without qualms.2

E. J. McDade, on February 27, 1937, stated that he did not know, of his own experience, of any interstate shipment of strikebreakers from the city of Chicago since the end of June 1936, when the Byrnes

Act went into effect.3

In the case of the Railway Audit & Inspection Co., the act appears to have had a dampening effect in 1936 on its usually thriving strike On July 22, 1936, Gordon McKelvey, secretary-counsel of the Southern Garment Manufacturers' Association, wrote to G. Eugene Ivey, of the Atlanta office of the Railway Audit & Inspection Co., saying "a conflagration of disorder and strikes has suddenly broken on Nashville and other parts of Tennessee," and requesting that Mr. Ivey or someone representing his company should come to Nashville to "meet and talk with those that have charge of the protective organization that is about ready to function in protecting any plant that may be attacked." 4 Mr. Ivey interpreted this letter to mean that Mr. McKelvey wanted guards, and informed his superiors that he anticipated a "great deal of bloodshed" in the forthcoming strikes, and recommended that the business "not be accepted." Subsequently the Railway Audit & Inspection Co. sought to sell Mr. McKelvey its operative undercover service, without success.6

<sup>1</sup> Pt. 18, exhibit 3861, p. 7990, 2, N. L. R. B. 626, p. 719.

8 Ibid, pt. 18, p. 7985 ff. See p. 121.

8 Pt. 7, exhibit 910, p. 3715.

4 Pt. 15-A, exhibit 1753, p. 5319.

8 Ibid, exhibit 1754.

9 Ibid, exhibits 1755-1757, p. 5320.

Mr. McKelvey was surprised that the Railway Audit & Inspection Co. could not supply the service he had requested. The inter-office correspondence of the agency indicates its motives for refusing this business. On July 27, 1936, L. D. Rice, Philadelphia manager, wrote to Mr. Ivey, saying "We don't want any part of the guard situation at the present time." Either the possible effect of the Byrnes law or

an investigation by this committee was contemplated.

Other agencies, possibly under better legal advice, sought to modify their practices so that they could continue their strikebreaking business without interstate shipment. During the water-front strike in November of 1936, the Philadelphia office of the Burns agency, which had been supplying guards to the Moore & McCormack (Steamship) Co. in Philadelphia, was requested to furnish the same service in Baltimore.<sup>2</sup> Accordingly, J. W. Erb, manager of the Philadelphia office, shipped guards from Philadelphia to Baltimore. days this practice was stopped, and the manager of the Baltimore office was ordered to recruit the guards there.3 This change in procedure was the more extraordinary because it violated the established policy of the agency to supply as guards "men who are not natives of the locality to which they are assigned for duty." 4 Mr. Erb, on the stand, admitted that the Byrnes Act was the reason for this change in method. Raymond J. Burns, in his correspondence with Mr. Erb, indicated another way of avoiding the application of the statute. The agency had been requested to furnish a convoy of guards for nonstriking seamen who were to be moved from one port to another. Mr. Burns.

\* It is not necessarily a violation of the law to transport guards from one state to another unless they interfere with peaceful picketing; therefore, to be on the safe side I suggest that we do not have the men go from one state to another and to change guards at the state line, then there would be no possibility of our men being charged with interfering with peaceful picketing.

Mr. Burns' plan was simply to change the guards at the State line, a practice which might be followed without much difficulty by a

detective agency of national scope.

The National Metal Trades Association met the problem by recruiting strikebreakers or strikeguards within the State boundaries. On July 15, 1936, the executive committee of the association convened and "considered at length certain questions of policy, having to do with the Association's activities" as affected by the Byrnes Act. According to Homer D. Sayre, commissioner of the association, it was decided that the association would not ship any men across State lines as guards, but would recruit guards within the various States. In pursuance of this policy, the association, in September 1936, placed on its pay roll five men who were to be local recruiters for strikeguards. These men were stationed in Pennsylvania, Massachusetts, Connecticut, and New Jersey.8

The acquittal of Bergoff and Rand occurred on November 18, 1937. The committee has not made any extensive investigation of the business of the detective agencies as such since this date. It is, therefore,

<sup>1</sup> Pt. 15-A, exhibit 1758, p. 5321.
2 Pt. 8, pp. 2850-2858, testimony of J. W. Erb.
2 Pt. 8, p. 2859, exhibit 1022, p. 3136.
3 Pt. 8, exhibit 1030, p. 3142.
4 Pt. 8, p. 2858.
5 Pt. 8, p. 2868, exhibit 1032, p. 3144.
7 Pt. 3, p. 860, exhibit 402.
5 Pt. 3, pp. 861-862, testimony of Homer D. Sayre.

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impossible to state what effect the initial failure of the Byrnes Act has had upon the practice of the agencies. It is probable that the first reaction of the agencies, such as the refusal of the Railway Audit & Inspection Co. to accept strike work, has by now been fundamentally modified. New modes of evading the act have doubtless been devised. and the Bergoff prosecution indicates that the act is not so much to be feared as was at first supposed. As will be indicated below, the committee has reason to believe, judging by complaints forwarded to it, that the strikebreaking business goes on.

# SECTION 6. RECENT STATE STATUTES AFFECTING THE STRIKEBREAKING BUSINESS

The growing realization in recent years of a need of comprehensive regulation of the detective-agency business has resulted in statutes in certain States that mark an advance, as far as the control of strikebreaking services is concerned, over the earlier type of legislation, enacted in the latter part of the nineteenth century, which has been discussed above. Today five States have laws requiring the licensing of detective agencies engaged in the business of furnishing guards for Two of these State statutes include specific references to strikebreaking services. Another State makes it a misdemeanor to furnish strikebreakers.

In California, Illinois, New York, Wisconsin, and Massachusetts, the statutes either require that agencies engaged in supplying guards to employers be licensed or prohibit the employment of armed guards from unlicensed agencies. In the California and Illinois statutes there is no specific reference to the strikebreaking business. The Wisconsin statute, the pioneer in this field, passed in 1925 and amended in 1931, provides that any agency providing guards and all individuals acting or serving as guards must be licensed by the secretary of state. The secretary of state is empowered, after investigation, to issue a license on the basis of application made by such agencies or professional Persons without such licenses may not engage in the business of acting as private detectives or private police. ments under this statute that the prospective private guard must be endorsed by five reputable citizens and the fire and police commission in the city in which he plans to work, and that the secretary of state must be satisfied as to the character, competency and integrity of such prospective guard, should, in the hands of competent administrators, effectively prevent the licensing of professional strikeguards or strikebreakers. Public police, railroad police and private watchmen regularly employed are exempt from the operation of this The effect of this Wisconsin act upon undercover operatives statute. and labor spies and the persistent and flagrant violation of it by detective agencies operating in Wisconsin will be fully discussed in another report shortly to be submitted.6

Unlike the Wisconsin Act the California and Illinois statutes do not require the licensing or registration of the individual guards or oper-

¹ Cal. Laws (1927, amended 1933), Deering's Gen. Laws (1937) vol. 1, act 2070a, §§ 1-11.
² Ill. Laws (1933, amended 1937), Smith-Hurd Ann. Stats., §§ 608b-608z.
² N. Y. Laws (1939), McKinney's Conscilidated Laws (1938) Supp. vol. 19, Gen. Business, §§ 70-90.
² Wisc. Laws (1925, amended 1931, amended 1935), Wisc. Stats. (1937), § 175.07.
² Mass. Laws (1934) Ann. Law (1937), Supp. vol. 14, c. 149, § 23A.
² Further report on Industrial Espionage.

atives employed by the detective agency. Only the agency is required to be licensed under these acts. Neither do these acts prohibit or place any restrictions upon the furnishing of strikeguards. strikebreakers, or other strike services. The officers of the detective agency must, in order to secure a license, satisfy the regulatory body of their good character, and must post indemnity bonds, but this form of regulation obviously does not reach to the employment or recruiting of professional finks by them.1 ringent application of the statute might, however, result in revolution of the license for

employing men of bad character.

The Massachusetts statute is, in form, an amendment to an earlier act requiring the licensing of detective agencies.2 The purpose of the amendment is to embrace both strikebreaking services and industrial The amendment includes strikebreakers and labor spies in the definition of private detective. Agencies engaged in furnishing strikebreakers and labor spies are to be licensed under the act. The act does not require the licensing of individual strikeguards. Since it is strikeguards who cause most of the evils of the strikebreaking business, the act cannot be said to be an entirely satisfactory regulation of that business. There is no provision in this act for hearings on applications for a license, and the conditions for the issuance of a license are not particularly stringent.3 Another Massachusetts statute provides that no employer may hire armed strikeguards from an unlicensed agency during the continuance of a strike or a lockout. Employees of a licensed agency who are hired as armed guards must be citizens of Massachusetts who have not been convicted of felony.

In 1937 Pennsylvania passed a statute b which, while it did not require the registration of individual strikebreakers or strikeguards, made it a misdemeanor for any person, firm, or corporation "not directly involved in a labor strike or lockout" to recruit any persons to take the place of employees in an industry where a strike or lockout is in effect. Licensed or public employment agencies are exempted from the provisions of this act. This act does not apply to strike-

guards.

The New York statute, enacted in 1938, provides the most effective regulation of the strikebreaking business. By that statute, detective agencies are prohibited from employing any persons who have been convicted of felonies or any offenses involving moral turpitude or of certain specified misdemeanors. In addition, fingerprints of the employees of detective agencies must be filed with the secretary of state, who is required to compare such fingerprints with the fingerprint file in the Bureau of Criminal Identification. Having thus comprehensively required the registration and identification of all employees of detective agencies the New York statute goes on to make it unlawful for a detective agency to furnish strikebreakers or strikeguards. The pertinent sections of the statute read as follows:

It shall be unlawful for the holder of a license or for any employee of such licensee, knowingly to commit any of the following acts within or without the State of New York \* \* \* to advertise for, recruit, furnish, or replace or offer to

¹ The Illinois act makes it unlawful for an agency or its employees to encourage or incite strikers to do unlawful acts. Ill. Laws, 1933, p. 469, §11, Smith Hurd Illinois Annotated Statutes §608 l.

² Mass. Laws (1879, amended 1919, amended 1937), Ann. Laws (1933) v. 4, c. 147, §§ 22–30; v. 4, 1937 Supp., c. 147, §§ 25A-25C, 26, and 30.

³ The effect of these Massachusetts laws on labor espionage will be more fully discussed in this committee's

supplementary report on that subject.

4 Mass. Laws (1934) Ann. Laws (1937), Supp. v. 14, c. 149, § 23A.

4 Pennsylvania Laws (1937) approved June 21, 1937, No. 391, p. 1982.

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furnish or replace for hire or reward, within or without the State of New York any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards theretofore regularly employed for the protection of pay rolls, property or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor dispute

The statute makes it illegal to engage in the business of private detective, or to furnish guards or patrolmen to protect persons or property without having first obtained a license in accordance with the act.

This New York statute also prohibits the practice of industrial espionage by detective agencies, as will be fully pointed out in a report

shortly to be issued.

In the opinion of the committee, the New York act of 1938 is the most comprehensive regulation of the strikebreaking and detective agency business that has ever been attempted by any State. combines the licensing features of the Wisconsin statute with a sweeping prohibition of the strikebreaking business. The licensing features of the California and Illinois statutes, while they offer a degree of supervision over the guard services of detective agencies, have no direct or prohibitory effect upon the strikebreaking business The New York statute is more effective administratively than flat statutory prohibitions upon the provision of strikeguards or strikebreakers like the Pennsylvania statute. These and earlier State statutes demonstrate that the States have ample police power to regulate the detective agency business in all its aspects in the public The virtue of the New York act is that it provides, through a scheme of inclusive regulation, a method of controlling and eliminating the evils of the strikebreaking and espionage phases of the detective agency business. The committee recommends the New York act as an example to other States desirous of eliminating these evils from their industrial life.

It is too early as yet to pass any judgment upon the effect and operation of the New York statute, or its treatment by the courts. What success it will have in putting a stop to the activities of detective agencies engaged in interstate commerce, and operating from adjoining States remains to be seen.

## SECTION 7. CONTINUANCE OF THE STRIKEBREAKING BUSINESS

As has been noted above, the committee's hearings on the strikebreaking agencies and their activities were concluded in the early part Its last investigation of the strikebreaking services rendered by employers' associations was concluded in the early part of 1938. Since that time information concerning strikeguards or strikebreakers has come to the committee fortuitously in the course of its investigations into other matters, notably the labor situation in the steel industry and the so-called "Little Steel" strike of 1937. The committee has not had the opportunity or the facilities to make a comprehensive survey of the condition of the strikebreaking business covering the year 1938. It can, therefore, only guess at the condition of the strikebreaking business at the present time. Strikebreaking agencies do not sell their services unless there are strikes or threats of strikes. Since the end of 1937 there have been comparatively few strikes, and none of serious magnitude, and it is probable that the strikebreaking business is undergoing one of those periods of depression from which it

has suffered intermittently since 1920. The character and structure of the strikebreaking business, as outlined in this report, make it, however, a latent threat to American industrial peace. The floating population of strikebreakers and strikeguards, and the men who know how to recruit and supply these industrial mercenaries are a continuing menace, waiting for opportunity to resume their lucrative activities.

The committee has reason to believe that even in this period of quiescence, the strikebreaking business has continued. Information concerning the recent activities of the strikeguards belonging to the Railway Audit & Inspection group, listed in appendix C, has been furnished the committee through the courtesy of the assistant attorney general of the State of New York.2 On June 28, 1938, 10 men were arrested in connection with the strike at the Eagle Pencil Co, Inc., in New York City, on charges of violating the recently enacted New York State law regulating private detective agencies, described above. The assistant attorney general of the State of New York informed the committee that, according to his investigation, all of these men, with one exception, had been engaged in private detective and guard work in aiding employers during strikes for a long period of time.3 Three of the 10 men arrested appear as strikeguards in the records of the committee and their names are included in appendix C. One of these three was Benjamin Epstein, who, according to the assistant attorney general, was in charge of the Eagle Pencil strike, as assistant to the employer, exercising supervision and control over the guards and the trucks and cars used for transporting strikebreaking employees and merchandise through the picket lines. Known to the profession as "Weasel Benny" Epstein, this strike lieutenant appears in the committee's record as the pay-off man in the Kelvinator Corporation strike in Long Island City, N. Y., in 1934, at which time he was working as a lieutenant for the Railway Audit & Inspection Co.4 Since that time he has set up in business for himself, and the Eagle Pencil Co. strike seems to have been one of his jobs.

Another of the men identified at the Eagle Pencil Co. strike was William Harper, who testified before this committee in September 1936, and who is known to have worked for Foster's Industrial and Detective Bureau as a strikeguard on the American Bridge Co.'s construction job in Jersey City in 1932, and also as a strikeguard during the Bickford Commissary strike in New York City in 1935. Another of the men arrested was Joe Brown, who, according to the assistant attorney general of the State of New York, "has been and still is operating for the Railway Audit & Inspection Co." According to the committee's records, Joe Brown served on the New Orleans Public Service strike in 1929, on the American Bridge job in Jersey City in 1932, in the H. C. Frick Coal & Coke strike in Uniontown, Pa., in 1933, in the Bush Terminal strike in Brooklyn, N. Y., in 1934, in the Kelvinator Corporation strike in 1934, was chief lieutenant at the Reick McJunkin Dairy Co. strike in Pittsburgh in 1935, and played the same part in connection with the Purities Bakeries strike in Brooklyn, N. Y., in 1935, also working on the strike at the Cushmans

<sup>&</sup>lt;sup>1</sup>See pp. 183-195.

<sup>See appendix D, pp. 200-201.
See appendix D, p. 200-201.
Pt. 1, pp. 105-114, testimony of Charles Smith; pt. 15-A, exhibit 1766, p. 5338.
Pt. 1, p. 139, testimony of William Harper.</sup> 

Sons, Inc., bakery in New York City in the same year. His criminal record includes eight arrests under various aliases, and a conviction

for engaging in the policy racket.

From time to time the committee receives complaints or requests for investigations alleging that professional strikeguards or strikebreakers have been used in recent industrial disputes. Without making an investigation, the committee cannot determine the truth of these allegations. However, one particularly circumstantial example may be cited, with the reservation that it is a complaint and nothing more.

A recent letter from a trade unionist in Erie, Pa., states that in a strike in Girard, Pa., in September 1938, the O. R. Hoover Service Co., of Youngstown, Ohio, sent four "old-time finks and strikebreakers" to Girard. O. R. Hoover was an associate of E. E. MacGuffin of National Corporation Service, who set up his own business in 1935, taking C. M. Kuhl, one of MacGuffin's strike lieutenants, with him for a brief time.1 According to the letter, one of the strikebreakers sent to the strike in Girard was Herbert Bodine of Youngstown, Ohio. The letter stated that Bodine and his associates were armed with pistols. According to the committee's records, one Herbert Bodine served at a strike of the Manion Steel Barrel Co. in Oil City, Pa., in 1935,2 was sent by the National Metal Trades Association to the Columbian Stamping & Enameling Co. during a strike in Terre Haute in 1935 and also served during a short strike of the newsboys of the Vindicator and Telegram in Youngstown, Ohio.3

While not conclusive, such complaints suggest that the experienced strikeguards and detective agencies are ready to continue their occu-

pation whenever opportunity offers.

On the whole, the recent history of legislation concerning the strikebreaking business shows a more intelligent public concern with the problem and greater advances toward its control than any other period of our industrial life. State regulation of the detective agency business, evolving from the first attempts in Wisconsin to the more inclusive New York Statute, bids fair to form an effective weapon against the evils of strikebreaking within State lines. The first Federal statute, while failing in its initial application, and meeting with the strictest judicial interpretation, offers a good precedent and a firm foundation of experience for more comprehensive and effective Federal measures.

Such legislative advances should not obscure the fact that the area of effectiveness of the new laws is very limited. Such important industrial States as Ohio, Indiana, and New Jersey are entirely without legislation against strikebreaking. Legislative protection in Pennsylvania, Illinois, and California is inadequate. Large parts of the country, such as the Southern States, where both industry and the detective agencies are expanding, lack regulatory measures. The amended Byrnes Act requires an act of interstate transportation before it can be invoked, and the strikebreaking agencies have already taken measures to evade it. The strikebreaking underworld still stands ready and able to invade industry and labor relations.

Pt. 1, p. 210.
 Pt. 1, exhibit 186, p. 360.
 See Bodine's strike job record in appendix C, p. 160.

# CHAPTER VII. CONCLUSIONS AND LEGISLATIVE RECOMMENDATIONS

In investigating commercialized services offered to employers in time of strike, this committee entered a field frequently touched upon in the past by other congressional committees and other branches of the Federal Government. This committee's approach to the question, however, differed from that of earlier investigations. Whereas former committees touched upon the activities of strikebreaking agencies or strike services only in connection with specific strikes or labor situations which they were authorized to investigate, this committee approached the furnishing of strike services as a commercialized function available to employers upon call. This business has existed since the 1880's, and was found to have continued, with little change, down to the period of this investigation.

### SECTION 1. THE BUSINESS OF FURNISHING STRIKE SERVICES

The committee makes the following findings concerning the com-

mercial aspects of the business of furnishing strike services:

(a) Many detective agencies engage in the business of furnishing and supervising strikebreakers, strikeguards, and propagandists, missionaries or street operators. Most, if not all of the detective agencies engaged in the business of furnishing these three classes of strike employees, or any one of them, also offer the service of spying on the union affiliations and union activities of employees. The three functions of furnishing strike services, labor espionage, and industrial munitions are related in purpose, and are sometimes carried on by the same detective agency.

(b) Some employers' associations, committed to a policy of antiunionism, furnish strikeguards or strikebreakers as a part of their services to assist employers to fight against the recognition of unions.

(c) A considerable body of men in our great industrial centers are available for, and seek employment in, strike situations. These are the men recruited by detective agencies or employers' associations to serve as strikebreakers, strikeguards, or missionaries. They go from strike to strike and some of them make this work their vocation. An underworld profession of strikebreaking exists.

(d) Detective agencies and employers' associations furnishing strike services recruit strikeguards and strikebreakers through strike lieutenants, leaders of the strikebreaking profession, who have a wide acquaintance among those available for strike work. If they can establish a clientele of employers, strike lieutenants sometimes set up in business for themselves.

(e) The profits made by detective agencies from strikebreaking are

enormous, ranging from 25 to 100 percent.

(f) Such profits are increased by the prevailing attitude of antiunion employers toward strikebreaking services. In time of strike even large and carefully run corporations seem to experience a collapse of proper accounting procedure, and vast sums are turned over to the leaders of the strikebreaking class without question or investigation.

(g) Taking advantage of the opportunities offered by such financial a xity, and by the racketeering character of their vocation, professional

strike followers cheat employers through padded pay rolls, deceit, and other forms of graft. It is such sums of money and such opportunities for fraud that constitute the lifeblood of the strikebreaking profession and maintain it in existence.

#### SECTION 2. THE PURPOSE OF COMMERCIALIZED STRIKE SERVICES

The committee finds that strike services are offered by detective agencies and employers' association not so much for the purpose of assisting employers to protect property and maintain operations during strikes but rather for the purpose of destroying unions and the processes of collective bargaining. This conclusion does not question the right of the employers to engage watchmen to protect their premises, nor the right permanently to replace employees for good cause by other skilled and competent workmen. These acknowledged rights of the employer, however, cannot be invoked to justify employment of the strikebreakers, strikeguards, and missionaries furnished in the usual course of business by detective agencies, strikebreaking agencies, or employers' associations for the following reasons:

(a) The strikebreaker furnished as a part of strike service by the above-mentioned agencies, is, in most cases, not a qualified workman but an incompetent mercenary, posing as a workman for the purpose of breaking strikes. He usually receives compensation higher than that of the regular employees, and is discharged after the strike.

(b) The strikeguard furnished by the agencies mentioned above, is not a man trained and qualified for police and patrol duty. He is, for the most part, a specialized kind of ruffian, a "regular fink" well versed in violence, often dishonest, and sometimes a gangster.

(c) The propagandist, missionary, or street operator furnished by the organizations mentioned above, practices deception and deceit,

and often performs in the role of agent provocateur or spy.

No employer who has accepted the principle of collective bargaining in good faith can consider using such persons against his employees. Not only do such persons tend to provoke violence and disorder, but their purpose is to discredit and destroy instruments of collective bargaining and make amicable settlement of disputes an impossibility. Through their acts of intimidation, coercion, and provocation such persons violate the rights of free speech and free assembly and the freedom of association of employees. Furthermore, during the period of this committee's investigation, the use of such strike services, and the business of purveying them, violated the policy of labor relations enunciated by the Congress.

#### SECTION 3. RELATION BETWEEN STRIKE SERVICES AND STRIKE VIOLENCE

The committee finds that commercialized strike services have constituted an important cause of violence occurring in strikes in

which they have been used, for the following reasons:

(a) Commercialized strike services tend to produce violence and disorder. Such violence comes partly as a result of the natural hostility and resentment of workingmen against the use of industrial mercenaries, but is more directly attributable to the activities of professional strike followers and the employers who use them.

(b) In most cases professional strikebreakers or strikeguards have a pecuniary incentive to create and maintain a state of disorder and

violence in the strike on which they serve. Detective agencies have been known to create or feign violence in order to extend and increase

the services which they render.

- (c) In some cases employers have directed detective agencies to perform acts of violence, or have instigated such acts, or have made their commission inevitable. This has been done either to discredit strikers because of such acts, to break their morale by the use of physical force, or to create a disorderly situation of such proportions that the armed intervention of the State will be required to suppress it.
- (d) Professional strikeguards and strikebreakers are worse than useless in preventing or policing acts of lawlessness or violence by strikers. Instead of controlling or pacifying such situations, they embitter them and add further fuel to the flames.

## SECTION 4, NEED FOR FURTHER LEGISLATION

The committee finds that further legislation, both State and Federal, is required to cope with the evils of commercialized strike

services, for the following reasons:

(a) In recent years, since the inception of this committee's investigation, some States have passed laws which promise to constitute an effective regulation of the strikebreaking business and a prohibition of its evils within State borders. Some other States possess laws which may be applied with salutary effect in correcting the evils of the strikebreaking business. On the whole, however, most of the Nation, including some of our most important industrial States, does not possess such State legislation.

(b) Existing Federal legislation affects the strikebreaking business only when the use of strike services involves an act of transportation across State lines. Detective agencies having national organizations have already set about to continue their strike services without shipping men across State lines. The existence of recruiting centers for the strikebreaking population in large industrial centers makes it possible to carry on the strikebreaking business without violating Federal law.

(c) In addition, the existent Federal legislation does not specify in its terms the customary practices and techniques of the strikebreaking business. Violation of the Federal act hinges upon the intent for which persons are transported in interstate commerce. The intent required is expressed in general statutory language. The difficulties of defining and proving intent in cases brought under this act make it an inadequate instrument to eliminate the practices of strikebreaking. Such practices are evils in themselves, and constitute a menace to the public peace.

The committee believes that the Congress should enact legislation clearly defining the practices which it desires to eliminate, basing its jurisdiction on its power to preserve interstate commerce from interruption and to cleanse the channels of interstate commerce in the

interest of public policy.

# SECTION 5. LEGISLATIVE RECOMMENDATIONS

The committee has sought thoroughly to understand the structure of the strikebreaking business in order that it may recommend remedial legislative action now long overdue. Stemming from the fink under-

world, supplemented from time to time by unemployed or transient persons, come the strikebreaker, the strikeguard, and the propagandist or "missionary," channeled through the detective agency or employers' association to the bitterest scenes of industrial controversy. Legislatively, the problem may be attacked either through a regulation of the detective agency and its employees, or through the employer, who

constitutes the market for the strikebreaking services.

The committee's study indicates that the few States which have enacted effective legislation in this field have approached the problem by setting up elaborate schemes for the registration of agencies, their personnel, operatives and employees, setting up standards which must be observed as a condition of doing business and prohibiting the performance of many of the antisocial practices mentioned above. Such systems of regulation cover the whole occupation of acting as private detective, applying to all agencies whether they engage in strikebreaking or not. Were the Congress to impose such a system of regulation on the detective agencies and employers' associations using the channels of interstate commerce or serving employers engaged therein, extensive administrative machinery would be required. For this reason, the committee believes that it should

recommend a different method of dealing with the problem.

The focal point of remedial action should be the market for strike Federal jurisdiction over industrial relations in or affecting interstate commerce is now clearly established. The committee recommends legislation to forbid the employer to engage agencies or individuals who will indulge in the customary practices that have made the strikebreaking business notorious. The employer is the key to the strikebreaking problem. His responsibility for the persons he pays to take his part in an industrial dispute cannot be denied or Many employers, in the committee's belief, have already renounced the barbaric methods used in the past to fight strikes. The committee feels that the majority of employers will welcome a prohibition of the utilization of persons to engage in the brutal or deceptive practices of strikebreaking. Such a prohibition will not in any way affect the right of an employer to provide legitimate and bona fide watchmen or patrolmen to guard his premises, nor will it deprive him of rightful means of self-protection. It should, however, subject him to penalties for the tactics of aggression, intimidation, provocation, deception, and brutality, carried out by irresponsible mercenaries which have cost the Nation so much in human life, suffering, bitterness, and misery since 1885. To this end, the committee is drafting legislation which will shortly be submitted to the Congress.

> Robert Wha tolletter. Elbert D. Shomos.

# APPENDIX

## APPENDIX A

Official Sources on the Use of Strikebreakers and Guards in Industrial Disputes

1. Forty-seventh Congress, second session. Senate. Committee on Education and Labor. Hearings on Relations Between Labor and Capital.

Under a resolution of August 7, 1882, the Senate Committee on Education and Labor was directed—

to take into consideration the subject of the relations between labor and capital \* \* \* the subject of labor strikes, and to inquire into the causes thereof and the agencies producing same \* \* \* (p. 1).

The testimony developed by this committee shows that, owing to the primary economic position of capital, strikeguards were not essentials of strikebreaking technique at that time. Spies, blacklists, forms of economic intimidation and control, and imported strikebreakers were sufficiently effective weapons; although sections of evidence relating to attempts at unionization in mining districts show that physical intimidation was also used. The telegraphers' strike of 1883 is developed in considerable detail. The main weapons of the monopolistic telegraph companies were publicity, blacklists, discrimination, and economic intimidation preceeding the strike, and an inpregnable economic position during the strike.

2. Forty-eighth Congress, first session. Senate Report No. 820. An Act to Prohibit Importation and Migration of Foreigners.

The Senate Committee on Education and Labor reported favorably, June 28, 1884—

An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

In its report the committee cited evidence that foreigners were imported under misrepresentation to replace strikers (p. 9).

3. Forty-ninth Congress, second session. House Report No. 4174. Investigation of Labor Troubles in Missouri, Arkansas, Kansas, Texas, and Illinois.

A House resolution of April 12, 1886 authorized a committee of seven, appointed by the Speaker, to investigate the—

cause and extent of the disturbed condition now existing between the railway corporations engaged in carrying interstate commerce and their employees in the States of Illinois, Missouri, Kansas, Arkansas, and Texas (p. I)

and to make recommendations to the House.

The "disturbed condition" was the great railway strike on the Southwestern or Gould system, called March 1, 1886, by District Assembly 101 of the Knights of Labor. Violence was precipitated when the railroad companies tried to operate trains under the protection of armed guards. A tragic occurrence on April 9 at East St. Louis, related in the majority report, demonstrates the brutality of these employer tactics:

The Louisville and Nashville roads had determined to run its trains in at all hazards, and for that purpose had at its service guards of a considerable force, consisting of deputy sheriffs and marshalls \* \* \* In the afternoon the company resolved to send a posse of deputies to clear the crossing. For this purpose nine men, armed with Winchester rifles and revolvers, were selected (p. XXII).

When resisted by the strikers—

One of the deputies raised his rifle, fired, and a man was seen to fall. Then showers of stones and pistol-shots from all directions began to rain upon the officers, who returned the fire with their guns and pistols, with deadly effect, into the crowd. The firing was kept up until the crossing was clear \* \* \* (p. XXII).

4. Fiftieth Congress, second session. House Report No. 4147. Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-88.

A House committee, whose membership was announced by the Speaker on February 9, 1888, was empowered to investigate the strike on the Reading Railroad and the strike in the anthracite regions of Pennsylvania, and to make recommendations. The strike in the Lehigh region began September 10, 1887; the strike in the Schuylkill region, in January 1888; and the strike on the Reading Railroad began in December 1887. The strikers, organized under the Knights of Labor, were fought with economic and overtly terroristic weapons by the railroad and coal monopolies which controlled the region. Not only did they fight the strikers ruthlessly, but there is some evidence to show that the monopolies also engineered the disastrous strike for the double purpose of breaking the union and curtailing production and expense (p. VII). The majority report found that—

most of the recent labor troubles in the anthracite regions of Pennsylvania arise from the railroads in that section being permitted to mine as well as transport coal (p. 11).

The unequal struggle was described in one of the reports as follows:

On the one side wealth, intelligence, and a masterful organization, with its soldiery under the guise of "company police," carrying Winchester rifles. On the other side poverty, ignorance, and a scattered mass of men, powerless to do any more than patiently exercise the innate right of every man to refrain from doing labor he has not agreed to perform. The former can live and wait until the latter are "starved" into submission (p. LXXXI).

The committee found that the monopolies had usurped the rights and duties of civil authority and made vigorous recommendations to change the situation.

5. Fifty-second Congress, second session. House Report No. 2447. Employment of Pinkerton Detectives.

Pinkerton's National Detective Agency, Inc., was investigated by the House Committee on the Judiciary under resolutions of May 12 and July 7, 1892. The former resolution directed the committee to investigate the employment of Pinkertons by railroad corporations; while the July 7 resolution, growing out of the Homestead conflict of July 6, directed the committee to investigate the causes and conditions of that clash.

Both majority and minority reports agreed in finding that Pinkerton guards were the cause of violence at Homestead and elsewhere. The majority report stated that Federal legislation on the employment of Pinkertons would be unconstitutional and recommended State regulation. Several of the minority, however, found that Congress had power to prevent the use of private detectives by persons engaged in interstate commerce.

6. Fifty-second Congress, second session. Senate Report No. 1280. Investigation of Labor Troubles.

Under the resolution of August 2, 1892, a select Senate committee was created to investigate the character and uses of organized armed bodies of men privately employed, to recommend corrective legislation, and to report regarding a—

More effective organization and employment of the posse comitatus in the District of Columbia and the Territories of the United States for the maintenance and execution of laws.

Like the House investigation, the Senate investigation grew out of the Homestead incident. The select committee found that the employment of Pinkerton guards at Homestead was unnecessary and led to violence. On page xv of its report it stated:

Whether assumedly legal or not, the employment of armed bodies of men for private purposes, either by employers or employees, is to be deprecated and should not be resorted to. Such use of private armed men is an assumption of the State's authority by private citizens.

As to the legislative power of Congress in this matter, the select committee reported:

The States have undoubted authority to legislate against the employment of armed bodies of men for private purposes, as many of them are doing. As to the power of Congress to legislate, this is not so clear, though it would seem that Congress ought not to be powerless to prevent the movement of bodies of private citizens from one State to another State for the purpose of taking part, with arms in their hands, in the settlement of disputes between employers and their workmen (p. XV).

7. Fifty-third Congress, third session. Senate Executive Documents, vol. 2, No. 7. Chicago Strike of June-July 1894. (by U.S. Strike Commission)

President Cleveland appointed a commission of three on July 26, 1894, to investigate the Pullman strike. This struggle began between the Pullman Palace Car Co. and the American Railway Union on June 26, 1894, and soon affected, through sympathetic strikes, most of the railroads entering Chicago. The employing interests unified their antiunion efforts through the General Managers' Association. The Commission found—

From June 22 until the practical end of the strike the General Managers' Association directed and controlled the contest on the part of the railroads, using the combined resources of all the roads to support the contentions and insure the protection of each.

Headquarters were established; agencies for hiring men opened; as the men arrived they were cared for and assigned to duty upon the different lines; a bureau was started to furnish information to the press; the lawyers of the different roads were called into conference and combination in legal and criminal proceedings;

the general managers met daily to hear reports and to direct proceedings; constant communication was kept up with the civil and military authorities as to the movements and assignments of police, marshals, and troops (p. 40).

The Commission condemned the dual role of 3,600 United States deputy marshals in this strike. Selected by and appointed at the request of the General Managers' Association, they "exercised unrestricted United States authority" under the sole direction and control of the Association (p. 42). The Commission made no findings concerning private detective agencies, although there is some evidence of paid agents provocateur and private detectives in the Commission's record.

8. Fifty-sixth Congress, first session. Senate Document No. 25. Coeur D'Alene Mining Troubles.

This is a letter from Edward Boyce, president of the Western Federation of Miners, presented by Mr. Pettigrew and printed as a Senate document, It narrates the struggle of the miners in the Coeur D'Alene region from the time that gold was discovered there in 1882, with a detailed account of the 1899 strike. Boyce refers to the use by employers of both strikeguards and strikebreakers.

9. United States Industrial Commission. Reports and Testimony, 1901-2. (Washington: Government Printing Office.)

The Industrial Commission was created by an act of Congress, June 18, 1898, with two principal instructions:

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interest and to be equitable to the laborer, the employer,

the producer, and the consumer.

The Commission published its findings in 19 volumes, by general subject. Most relevant to our present topic are volumes VIII, XII, XIV, XV, and XIX. In its final report, volume XIX, pages 890-893, the Commission condemned the importation of workers from other localities to take the places of those on strike, commended State legislation prohibiting the importation of armed men for the protection of property. Speaking of such guards or "Pinkerton men" the Commission said:

Being often from other localities or States, they have no understanding of the matters at issue in the dispute, no sympathy with the working men, and are therefore disposed to go as far as the law allows, or even further, in resisting the acts of the men.

10. Fifty-eighth Congress, special session. Senate Document No. 6. Report to the President on the Anthracite Coal Strike of May-October 1902 (by the Anthracite Coal Strike Commission).

The Anthracite Coal Strike Commission was appointed by President Theodore Roosevelt, October 16, 1902, at the request of both operators and miners. Its instruction was—

"to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite region" of Pennsylvania, "and the causes out of which the controversy arose" (p. 7).

Although its report, issued on March 18, 1903, dealt mainly with technical and economic aspects of the strike, the Commission criticized the use of strikeguards by the operators in the following terms:

The resentment expressed by many persons connected with the strike, at the presence of the armed guards and militia of the State, does not argue well for the peaceable character or purposes of such persons (p. 73).

11. Fifty-eighth Congress, third session. Senate Document No. 122. Report on Labor Disturbances in Colorado, 1880–1904. (Prepared by Walter B. Palmer of the United States Department of Commerce and Labor).

This report gives a "straight forward history" of 13 of the more serious labor disturbances in Colorado in the 25-year period following the Leadville strike of 1880. Repeated mention is made of the use and effect of strikeguards and strikebreakers.

12. Fifty-ninth Congress, second session. House Document No. 822.

Strikes and Lockouts (21st annual report of the Commissioner of Labor).

Chapter V of this report (pp. 917-960) is a digest of the law relating to strikes, blacklisting, boycotts, etc., and lists the statutes on these practices in force as of 1906.

13. Minnesota, Bureau of Labor, Industries, and Commerce, Twelfth Biennial Report, 1909-10.

The use of strikebreakers and strikeguards in the Minnesota switchmen's strike of 1909 is fully treated on pages 29-57. The strikebreakers were so ill suited to their new jobs that many of them were fired, and as destitute and unemployed people they came to the attention of the Minnesota Bureau of Labor.

14. Sixty-first Congress, second session. Senate Document No. 521.
Report on Strike at Bethlehem Steel Works, South Bethlehem, Pa.
(by Bureau-of Labor).

The United States Bureau of Labor undertook this investigation in compliance with a Senate resolution of April 19, 1910. It found that the strike, which began on February 4, 1910, was occasioned by long standing and highly unsatisfactory working conditions. When the workmen struck, they were unorganized. The Bethlehem Steel Co., in fighting the strike, placed its main reliance on State police acting in the role of strikeguards. The material on this is in the primary form of statements and affidavits submitted by all parties to the controversy.

15. United States Department of Commerce and Labor, Immigration Service. Report on an Investigation in Regard to Alleged Infractions of the Alien Contract Labor Law on the Part of a Car Manufacturing Company at McKees Rocks, Pa., September 1909 (by Inspector A. P. Schell).

The inspector found in his report that the Pressed Steel Car Manufacturing Co. had engaged strikebreakers through the Bergoff Service Bureau in New York City to replace its workers who had gone on strike July 14, 1909. These strikebreakers were virtually imprisoned in a stockade policed by armed guards secured from the same agency.

Insight into the nonprofessional character of these strikebreakers is gained from the following excerpt:

About 900 men were engaged in this manner, and sent from New York, Philadelphia and Chicago. Shortly after their arrival they, in turn, became dissatisfied with the treatment accorded them, and about 400 left the plant and joined forces with the original strikers (p. 1).

16. Sixty-second Congress, first session. House. Committee on Labor. Peonage in Western Pennsylvania. Hearings pursuant to House Resolution 90.

These hearings on the 1909 strike at the Pressed Steel Car Co.'s plant at McKees Rocks, Pa., contain much material on the strike-guard and strikebreaker services of the Bergoff Service Bureau of New York City.

17. Sixty-second Congress, first session. House. Committee on Rules. Conditions Existing in Westmoreland Coal Fields. Hearings pursuant to House Resolution 179.

These hearings on the Westmoreland (Pa.) coal field strike, which began March 10, 1910, are replete with evidences of the vicious union-breaking tactics of the coal operators in that field. Among these practices the use of strikebreakers and deputized armed guards figures prominently.

18. Sixty-second Congress, second session. House Document No. 847. Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa., in 1910-11 (by Bureau of Labor).

In conformity with House Resolution No. 547, the Bureau of Labor undertook an investigation of the 1910 coal miners' strike. The Bureau's report fully supports the charges advanced in the hearing held before the House Committee on Rules (supra).

19. Sixty-second Congress, second session. House Document No. 671. The Strike at Lawrence, Mass.

The hearings on the Lawrence textile strike of 1912 contain many first-hand accounts of the effect of the use of imported strikeguards in this labor dispute.

20. Sixty-second Congress, second session. Senate Document No. 870. Report on Strike of Textile Workers in Lawrence, Mass., in 1912 (by Frederick C. Croxton of the Bureau of-Labor).

Under a Senate resolution of May 7, 1912, the Bureau of Labor undertook an investigation of the strike of textile workers in Lawrence, Mass., which began on January 11, 1912. The report contains many references to the strikeguard activities of imported thugs, Pinkertons, and deputies.

21. Sixty-third Congress, first session. Senate. Subcommittee of the Committee on Education and Labor. Conditions in the Paint Creek District, W. Va. Hearings pursuant to Senate Resolution 37.

Abundant testimony establishes that one of the principal causes of violence in the 1912 strike in the Paint Creek district was the wantonly brutal activity of armed guards supplied to the mine companies by the Baldwin-Felts Detective Agency. There is also much material. concerning the procurement and use of imported strikebreakers.

22. Sixty-third Congress, second session. Senate Report No. 321.
Investigation of Paint Creek Coal Fields of West Virginia.

The investigating committee submitted a joint report, its various members being responsible for specific portions of the resolution. In a summary of these reports, Senator Swanson, chairman of the committee, stated that the importation of strikebreakers and the employment of strikeguards by the coal operators greatly aggravated the strife and disturbance occasioned by the strike.

23. West Virginia Mining Investigation Commission. Report to Governor Glasscock, November 27, 1912 (Charleston, W. Va.).

The West Virginia Mining Commission was appointed by Governor Glasscock to investigate the coal miners' strike in the Paint and Cabin Creek district. It condemned the guard system of the coal operators, finding it "vicious, strife-promoting and un-American" (p. 2) and recommended legislation which would remove police power from the control of interested individuals (p. 20).

24. Sixty-third Congress, second session. House. Committee on Rules. Industrial Disputes in Colorado and Michigan. Hearings pursuant to House Resolutions 290 and 313.

These hearings were short preliminary hearings, held in Washington, adumbrating the material which was developed in later hearings on the same subject—employer use of strikeguards and strikebreakers to smash the 1913 strikes in the Colorado coal fields and the Michigan copper mines.

25. Sixty-third Congress, second session. House. Subcommittee of the Committee on Mines and Mining. Conditions in the coal mines of Colorado. Hearings pursuant to House Resolution 387.

In a resolution of January 27, 1914, the House Committee on Mines and Mining was directed to investigate—

\* \* conditions existing in the coal fields in the counties of Las Animas, Huerfano, Fremont, Grant, Routt, Boulder, Weld, and other counties in the State of Colorado; and in and about the copper mines in the counties of Houghton, Keweenaw, and Ontonagon, in the State of Michigan \* \* \* (p. 5).

The subcommittees of the Committee on Mines and Mining proceeded to Colorado and Michigan and collected voluminous testimony on the strikes then in progress in both States. The material developed by both subcommittees was similar in that both hearings showed the evil effects of the antiunion policy of large mining corporations which included the use of imported strikebreakers and strikeguards.

26. Sixty-third Congress, third session. House Document No. 1630. Report on the Colorado Strike Investigation.

The majority report on the Colorado coal strike, which began about September 23, 1913, found that mine guards had been deputized and had been sworn in as members of the militia, even though they were not, in some cases, citizens of the State. It found that the Baldwin-Felts Detective Agency had been hired by the coal mine operators,

that 12 machine guns and large amounts of ammunition had been purchased for the use of guards and deputies. It found that—

during the strike men were brought in from other States by the car and train load, and were delivered to the mining camps under guard of the militia, many of them being foreigners and unacquainted with the work of mining coal (p. 32).

It failed, however, to make legislative recommendations to correct these practices.

The minority views of Mr. Austin, based on the same findings, recommended—

Laws to prevent the sale and transportation of firearms and ammunition, making it a felony to carry concealed weapons \* \* \* that mine guards shall not be eligible for service in the State militia or the National Guard, prohibiting the employment of aliens to take the place of native or naturalized citizens in the mines of that State; making it unlawful for deputy sheriffs or other officials to serve on grand or trial juries \* \* \* (p. 51).

27. Sixty-third Congress, second session. House. Subcommittee of the Committee on Mines and Mining. Conditions in the Copper Mines of Michigan. Hearings pursuant to House Resolution 387.

The hearings held by this House subcommittee collected a large amount of evidence concerning the use of strikeguards and strike-breakers by the copper mine operators in the Michigan copper strike of 1913.

28. Sixty-third Congress, second session. Senate Document No. 381. Michigan Copper District Strike (by Walter B. Palmer, of the Bureau of Labor).

The Bureau of Labor Statistics investigation of a strike of copper ore miners, which began July 23, 1913, reveals that armed strike-guards and strikebreakers were employed by the large ore-mining corporations. One hundred and twelve guards of the Waddell-Mahon Corporation of New York were sent to Calumet, Houghton County, Mich., in July 1913. They were paid by the mine companies or the county; were deputized and armed. The Ascher Detective Agency of New York sent in 150 guards, similarly armed and paid. The guards of both of these agencies were involved in violence. Two strikers were wantonly murdered by the Waddell men. German immigrants were shipped in from New York as strikebreakers, in ignorance of the strike, and forcibly kept at work by the armed guards.

29. Sixty-fourth Congress, first session. Senate Document No. 415. Final report and testimony of the United States Commission on Industrial Relations.

The U.S. Commission on Industrial Relations was created by an act of Congress, August 23, 1912, with authority to—

inquire into the general condition of labor in the principal industries of the U.S., including agriculture, and especially those which are carried on in corporate forms; into existing relations between employers and employees.

and to—

seek to discover the underlying causes of dissatisfaction in the industrial situation \* \* \*

Under such a mandate, the Commission took testimony relating to practically every major labor dispute that had occurred in the two preceding decades in many parts of the United States. Its final report

and testimony, printed as Senate Document No. 415 in 1916, is consequently a rich source of case history on employer use of strike-breakers, strikeguards, and detective agencies. Among these strikes, the Commission's developments of the silk workers' strike in Paterson, N. J., in 1913, and the strike on the Harriman Railroad System in 1910 are outstanding. Men hired through detective agencies contributed largely to the violence that characterized both strikes. The material is accessible through an index of testimony by witnesses, and an index of subjects, both in the back of volume XI. The final report of the Commissioners appears in volume I.

30. Sixty-sixth Congress, first session. Senate Report No. 289. Investigating Strike in Steel Industries.

This report of the investigation of the steel strike in 1919 inadequately covers, in understanding and scope, the dispute that the committee was called on to examine. During the conflict the strikers complained of the private detectives of the companies, and their killing of four unionists, but the committee made no findings in this regard. It did, however, comment on police conduct prejudicial to the strikers.

31. Sixty-seventh Congress, first session. Senate. Committee on Education and Labor. West Virginia Coal Fields. Hearings pursuant to Senate Resolution 80.

The activities of Baldwin-Felts operatives and guards form a large part of the material contained in these hearings on the coal miners' strike of 1920. There is also reference to the importation by the Williamson Coal Operator's Association of non-English speaking strike-breakers.

32. United States Coal Commission. Report, transmitted pursuant to the act approved September 22, 1922 (Public, No. 347). Washington: Government Printing Office, 1925.

In the section of its report dealing with civil liberties in the coal fields, the United States Commission found that the employment of thugs and gunmen by mine operators controverted governmental authority. In its recommendations on labor relations in bituminous coal, the Commission stated, in part:

We condemn violence, thuggery, and gun work, violation of the law, and disturbance of the peace. \* \* \*

We recommend that such destructive labor policies as the use of spies, the use of deputy sheriffs as paid company guards \* \* \* be abolished (p. 156).

33. Seventieth Congress, first session. Senate. Subcommittee of the Committee on Interstate Commerce. Conditions in the coal fields of Pennsylvania, West Virginia, and Ohio. Hearings pursuant to Senate Resolution 105.

These hearings, growing out of the coal strike which began in August 1925, disclosed the use by coal mine operators of imported strikeguards and strikebreakers attended by the usual violence. The report of the subcommittee, appearing pp. 344-365, stated, in part:

Everywhere your committee made an investigation in the Pittsburgh district we found coal and iron police and deputy sheriffs visible in great numbers. In the Pittsburgh district your committee understands there are employed at the present time between 500 and 600 coal and iron police and deputy sheriffs. They are all very large men; most of them weighing from 200 to 250 pounds. They all are heavily armed and carry clubs usually designated as a "blackjack."

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Everywhere your committee visited they found victims of the coal and iron police who had been beaten up and were still carrying scars on their faces and heads from the rough treatment they had received (p. 364).

34. 2 N. L. R. B. 626. Decision in the matter of Remington Rand, Inc., and Remington Rand Joint Protective Board of the District Council Office Equipment Workers, Case No. C-145 (also in pt. 18 of this committee's record, exhibit 3861, pp. 7947-8014).

The National Labor Relations Board found the use of strikeguards and strikebreakers, attended by the usual pernicious effects, in the Remington Rand Case, as well as in other less well-known cases.

#### APPENDIX B

## STATE LEGISLATION AFFECTING PRIVATE GUARDS

[Tabular Analysis of Existing State Statutes]

The present status of State legislation with respect to private guards is set out in tabular form below. The nature of the restrictions imposed by each State is indicated in the first three sets of columns. The fourth group shows whether the restriction is applicable to armed or unarmed guards or both. The last group indicates whether the restriction is by statutory or constitutional provision.

			~, ~,			00110		01141	provi	01011,	
	Prohibition on impor- tation of guards—		Prohibition on use or employment of guards—		Restric- tion on furnishing of guards		Restrictions on impor- tation or employ- ment, or furnishing of guards, applicable to—		Restriction by—		
States	For purpose of suppressing domestic violence	For purpose of discharging police duties	Where they are to act as police officers	Where they are nonresidents	Where workmen are brought into the State under false pretenses or under arms 1	Prohibition on furnishing guards	Requirement that agencies furnishing guards be licensed	Armed guards	Unarmed guards	Statute	Constitutional provision
Arkansas: Laws (1891), c. 143, Crawford & Moses Digest (1921), ss. 2792, 2793. California: Laws (1927, amended	x							х	х	х	
1933), Deering's Gen. Laws (1937), V.1, Act 2070 a, ss. 1-11. Colorado: Laws (1911), c. 160, Stats. Ann. (1935), V.3, ch. 97, s. 73. Idaho: Laws (1891), p. 15, Code Ann. (1932) V.1 ss. 17-1030					x		Xı	x	x	x x	
Ann. (1932), V. 1, ss. 17-1030, 1031, and Const. (adopted 1889), Art. 14, s. 6 Illinois: Laws (1933, amended 1937), Smith Hurd Ann. Stats.,	x							x	х	x	x
ss. 608b-608z. Kansas: Laws (1897), C. 124, Cor-							x	X	X	X	
rick's Gen. Stats. Ann. (1935), ss. 21-1616, 1617, 1618. Kentucky: Laws (1892), C. 97, Carroll's Stats. Ann., Bald-		x						x	х	x	
win's Revision (1936), s. 1376 and Const. (adopted 1895), s. 225.— Massachusetts: Laws (1934), Ann. Laws (1937), Supp. V. 4,	x							x		x	x
c. 149, s. 23 A							X i	X		X	
Mason's Stats. (1927), V. 2, s. 10501 Missouri: Laws (1889), Revised						x		X	- <b></b>	x	
Stats. (1929), v. 1, ss. 4237, 4240 Montana:		х						X	x	X	
Const. (adopted 1889), Art. 3, s. 31, Rev. Code (1935), V. b, s. 11315	x				••••			x			. <b>X</b>
V. 1, s. 10925. Nebraska: Laws (1893) C. 51,	x	X						X	x	x	
Compiled Stats. (1929) s. 28-725		X	1		ا۔۔۔۔ا		1	X	$ \mathbf{x} $	X	

<sup>1</sup> See ch. 1, sec. 5 for an analysis of these statutes.

Agencies furnishing private watchmen regularly employed are exempted from the licensing requirement.
The State of Massachusetts prohibits any person, during the continuance of a strike, from employing or procuring for the protection of employees any armed guards other than watchmen regularly employed, and employees of a licensed detective agency.

#### VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR 150

## STATE LEGISLATION AFFECTING PRIVATE GUARDS—Continued

[Tabular Analysis of Existing State Statutes]

	Prohibition on impor- tation of guards—		Prohibition on use or employment of guards—		Restric- tion on furnishing of guards		Restrictions on importation or employment, or furnishing of guards, applicable to—		Restriction by-		
States	For purpose of suppressing domestic violence	For purpose of discharging police duties	Where they are to act as police officers	Where they are nouresidents	Where workmen are brought into the State under false pretenses or under arms	Prohibition on furnishing guards	Requirement that agencies furnishing guards be licensed	Armed guards	Unarmed guards	Statute	Constitutional provision
New York: Laws (1938) McKinney's Consol. Laws (1938) Supp. V. 19 Gen. Business ss. 70-90 Oklahoma: Laws (1908) p. 515, Stata. Ann. (1937) Title 40 s. 169. Oregon: Laws (1899) p. 96, Ann. Code (1930) V. 1, Title 14, ss.					x		4 X	x x	x	X X	
440, 441, 442.  South Carolina: Code (1932), Vol. 1 Const. (adopted 1895) Art. 8, s. 9  South Dakota: Laws (1893) C. 17, Compiled Laws of 1929, V. 2, s. 6059.	x x							x x x	x	X	x
Tennessee: Laws (1901) C. 104, Michie's Code (1938) s. 11365 Texas: Laws (1893) C. 104, Ver- non's Stats. (1936) Art. 5207. Utah: Utah Rev. Stats. (1933) Coust. (adopted 1895) Art. 12 s. 16 West Virginia: Laws (1893).	 х			• X	x 			x x x		X X	x
Code of 1937, C. 61, Art. 6, s. 6037 (11) Wisconsin: Laws (1893), C-163, Wisc. Stats. (1937) s. 348 72 Laws (1925, amended 1931, a- mended 1935) Wisc. Stats.			x	x				x x	x	x x	
S. 175.07 Wyoming: Rev. Stats. (1931) Const. (Adopted 1890) Art. 19, s. 6.	x						• X	x	x	X	x

The State of New York also makes it unlawful "to furnish or offer to furnish armed guards other than armed guards theretofore regularly employed for the protection of pay rolls, property, or premises for service on property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards on the highways, for persons involved in labor disputes."

A qualifying clause is contained in the Texas statute which provides that "nothing therein shall be construed to deprive any person, firm, or corporation of the right of self-defense, or defense of the property of said person, firm, or corporation by such lawful means as may be necessary to such defense."

The Wisconsin statute also requires that private guards, except watchmen privately employed, be licensed.

### APPENDIX C

#### JOB RECORDS OF 150 STRIKEGUARDS AND STRIKEBREAKERS

The basis on which this list was compiled and its significance are discussed in chapter IV of this report. Most of the men listed served as strikeguards. The name of the strikeguard or strikebreaker is given in the first column. Wherever there was a variation in the name, either in the spelling or in the given name, it is noted in the sixth column under the pertinent citation. The use of different names, nicknames, and variations of given names by professional strikeguards is discussed in chapter IV. In some cases where the names constitute the only evidence of identity, there is a possibility that any variation in name may indicate a difference in identity, but as far as possible the committee has tried to establish identity by other means.

In the fifth column the dates given are the dates of employment of the strikeguard or strikebreaker on each job, wherever it was possible to secure such dates. In all other cases the dates are the inclusive dates of the duration of the strike as revealed either by the committee's record, or where that information was not contained in the record, by data supplied by the Bureau of Labor Statistics of the United States Department of Labor. In some instances of the employment of guards no strike occurred; the reason for their employment in such cases, as far as it is known, is indicated in a footnote. In most of these cases, a strike was threatened.

The third column shows the cause of the strike, wherever known, as shown by the committee's record or by information supplied by the Bureau of Labor Statistics. It is obviously impossible to compress the complicated situations which give rise to strikes into a word or phrase, and therefore the listed causes of strikes are only roughly indicative.

The record citations show where data concerning services of the strikeguard or strikebreaker may be found, but they are not exhaustive references to all information concerning the strike or the company involved

Blanks in any of the columns indicate the lack of pertinent information.

The men on this list are broken down into five main classifications, according to the geographical sections of the country in which they have been most active, or the agencies for which they have worked. For a discussion of this list, see pages 78 ff.

## I. THE CHICAGO GROUP

Name	Agency	Job	dause of strike	Date	Citation	Criminal and arrest record
Ballinger, Frank	National Metal Trades Association.	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	Pt. 3, exhibit 392, p. 1011.	
	do	Black & Decker Electric	Recognition and	May 18-June 27, 1936	do	
Bradley, James	do	Co., Kent, Ohio. Addressograph-Multigraph Corporation, Cleveland,	wages. Wage increase	May 23-July 3, 1935	do	
	do	Ohio. Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-*	do	
Brown, George R.	do	Hayes Body Corporation, Grand Rapids, Mich.	Wage increase	Jan.	do	
	do	Art Metal Construction Co., Jamestown, N. Y.		June 1933	p. 1011; exhibit	
	do	Eaton Manufacturing Co. Cleveland, Ohio.	Recognition, wages and hours.		398-D, p. 1036. Pt. 3, exhibit 392, p. 1011.	
	do	Great Lakes Plating & Japanning Co., Chicago,	10013.	Aug. 26-Sept. 23, 1933	p. 1011; exhibit	
	do	Ill. Delta-Star Electric Co., Chicago, Ill.	(1)	Nov. 21, 1933-Jan. 26, 1934.	398-D, p. 1036. Pt. 3, exhibit 392, p. 1011.	
Burns, E. J		American Metal Ware Co., Chicago, Ill.		May 7-10, 1934	Pt. 3, exhibit 392, p. 1012; exhibit	
		Formica Insulation Co., Cincinnati, Ohio.	Recognition and wages.	May 11-19, 1934	407, p. 1042. Pt. 3, exhibit 392, p. 1012.	
	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage inc ⊇ase	February to May 1935.	Pt. 22, exhibit 4259, p. 9473 (listed as J.	
	National Metal Trades Association.	Addressograph-Multigraph Corporation, Cleveland, Ohio.	do	May 23-July 3, 1935	Burns). Pt. 3, exhibit 392, p. 1012.	ł
	do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-27, 1936	do	
Butler, A. P	Railway Audit & Inspection Co., Inc. (Chicago).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.	надол.	August 1933	Preliminary hear- ings, p. 150 (list- ed as Paul But-	
	National Corporation Service (Allied Corporation Service.) 2	Columbus Railway Power & Light Co., Columbus, Ohio.	Discrimination	April to May 1934	/ ler). /Pt. 1, exhibit 185, p. 347.	

	National Metal Trades Association.	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	Pt. 3, exhibit 392, p. 1012.
Cook, William C	do	Addressograph-Multigraph Corporation, Cleveland	Wage increase	May 23-July 3, 1935	do
	do	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	, o ,	
	do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-27, 1936	do
Foley, Thomas	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase		
	do		Recognition and wages.	May 18-27, 1936	do
Gillman, Jos	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase		
	do		Recognition	July 18-28, 1935	do
	do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-June 4, 1936	do
Harris, George	do	Eaton Manufacturing Co., Cleveland, Ohio.	Recognition, wages, and hours.	Aug. 15-17, 1933	Pt. 3, exhibit 392, pp. 1013-1014.
•	do	Great Lakes Plating & Ja- panning Co., Chicago, Ill.		Aug. 31-Sept. 1, 1933	Pt. 3, exhibit 392, pp. 1013 - 1014; exhibit 398-D, p. 1036.
	do	Delta-Star Electric Co., Chicago, Ill.	(1)	Nov. 27-Dec. 8, 1933	Pt. 3. exhibit 392.
	do	Mojonnier Bros. Co., Chi-	Wage increase	* :	l I
	do	Wm. Powell Co., Cincinnati, Ohio.	Recognition and wages.	June 13-July 4, 1934	do
	do	Century Electric Co., St. Louis, Mo.		July 13-Aug. 3, 1934	pp. 1013 - 1014; exhibit 398-D,
	do	Brightman Manufacturing Co., Columbus, Ohio.		Aug. 14-Sept. 8, 1934	p. 1036. Pt. 3, exhibit 392, pp. 1013 - 1014; exhibit 407, p. 1042.

## I. THE CHICAGO GROUP-Continued

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Harris, George	National Metal Trades Association.	Weber Bros. Metal Works, Inc., Chicago. Ill.		May 8-July 27, 1935	Pt. 3, exhibit 392, pp. 1013 - 1014; exhibit 398-D,	
£	do	Black & Decker Electric		May 5-June 4, 1936	p. 1037. Pt. 3, exhibit 392,	
Iolub, Jos	do	Co., Kent, Ohio. Hayes Body Corporation, Grand Rapids, Mich.	wages. Wage increase	Jan. 24-Feb. 11, 1933	pp. 1013-1014. Pt. 3, exhibit 392,	
	do	Art Metal Construction Co., Jamestown, N. Y.		June 23-July 15, 1933	p. 1014. Pt. 3, exhibit 392, p. 1014; exhibit	
	do	Johnson Bronze Co., <sup>3</sup> New Castle, Pa.	Recognition	May 28-June 5, 1934	398-D, p. 1036. Pt. 4, p. 1180, testi- mony of Joseph Holub, pt. 15-A, exhibit 1831, p. 5445.	
ohnson, H	do	Wilson & Bennett Manufacturing Co., Clearing,	(1)	June 28-July 21, 1934	Pt. 3, exhibit 392, p. 1014; exhibit	
:	do	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	407, p. 1042. Pt. 3, exhibit 392, p. 1014.	
	do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-27, 1936	do	
ones, Ray L	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	do	
	do	Columbian Enameling & Stamping Co., Terre	Recognition	July 18-28, 1935	do	
	do	Haute, Ind. Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-27, 1936	do	
Kelly, C. L	National Corporation Service (Allied Corporation Service.) 2	Columbus Railway Power & Light Co., Columbus, Ohio.	Discrimination	April to May 1934	Pt. 1, exhibit 185, p. 346.	
	National Metal Trades As- Association.	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	Pt. 3, exhibit 392, p. 1015.	
	do	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	dc	
Knight, Frank	National Metal Trades As-	Formica Insulation Co., Cincinnati, Ohio. Wilson & Bennett Manu-	wages.	May 12-24, 1934 June 27-July 2, 1934	p. 1015.	
	sociation.	facturing Co., Clearing,	()	June 21-July 2, 1909	uo	

Kunecke, Emil	do		Wage increase	Apr. 9-May 21, 1934	do	· I
	do	wm. Powell Co., Cincin-	Recognition and	June 13-July 4, 1934	do	
	do	nati, Ohio. Brightman Manufacturing	wages.	Aug. 14-Sept. 1, 1934		
-	do	Co., Columbus, Ohio. Weber Bros. Metal Works, Inc., Chicago, Ill.		May 16-July 27, 1935	pp. 1015-1042. Pt. 3, exhibit 392, p. 1015; exhibit	
	do	Columbian Enameling &	Recognition	Aug. 4,1935-Feb. 4,1936_	398-D, p. 1037. Pt. 3, exhibit 392,	
	do	Stamping Co., Terre Haute, Ind. Black & Decker Electric	Recognition and	May 5-June 4, 1936	p. 1015.	
Latus Coores	do	Co., Kent, Ohio. Addressograph-Multigraph	wages. Wage increase	May 28-July 3, 1935		
Latus, George	u0	Corporation, Cleveland,	wage increase	May 23-July 3, 1933		
	do	Columbian Enameling & Stamping Co., Terre	Recognition	July 18-28, 1935	do	
	do	Haute, Ind. Black & Decker Electric	Recognition and	May 5-June 4, 1936	do	
Liccardi, B. J	do	Co., Kent, Ohio.  Addressograph-Multigraph Corporation, Cleveland.	wages. Wage increase	May 23-July 3, 1935	do	,
	do	Ohio. Columbian Enameling &	Recognition	July 18-28, 1935	do	
		Stamping Co., Terre Haute, Ind.				
Lux, William	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	Pt. 3, exhibit 392, p. 1016.	June 18, 1936, in Kent, Ohio; shooting with intent to wound; grand jury; \$1 500 bond (pt. 3, exhibit 396-W, p. 1929).
	do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-June 28, 1936	do	000 W, p. 1020):
Miller, Lee		Formica Insulation Co., Cincinnati, Ohio.	do	May 13-23, 1934	do	
	National Metal Trades Association.	Wilson & Bennett Manufacturing Co., Clearing,	(1)	July 2-9, 1934	do	
	do	Ill. Addressograph-Multigraph Corporation, Cleveland,	Wage increase	May 23-July 3, 1935	do	
	do	Ohio. Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-June 4, 1936	do	
Moore, W. J.	do	Co., Kent, Onio. Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-Acg. 17, 1935	do	May 21, 1936, in Akron, Ohio, as William J. Moore; susp. (pt. 3, exhibit 396-H, p. 1023).
Gas Assembles		1	•			,

## I. THE CHICAGO GROUP-Continued

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Moore, W. J	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-June 28, 1936	Pt. 3. exhibit 392, p. 1016.	June 18, 1936, in Kent, Ohio, as William J. Moore; shooting with intent to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-
Piohman, Lawrence	do	Addressograph-Multigraph Corporation, Cleveland,	Wage increase	May 23-June 18, 1935	do	H. p. 1023).  May 9, 1924; sent to Joliet Penitentiary; plea to plain robbery
;	do	Ohio. Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-Aug. 17, 1935	do	(pt. 3, exhibit 393, p. 1018).  May 9, 1924; striking officer, assault to kill; paroled Jan. 7, 1929; discharged Mar. 4, 1932 (pt. 3, exhibit 393, p. 1018).  June 24, 1932; larceny; June 27, 1932, 60 days in House of Correction (pt. 3, exhibit 393, p. 1018).  Jan. 6, 1933; bogus checks; 5 months in house of correction; \$50 and costs (pt. 3, exhibit 393, p. 1018).  Sept. 19, 1933; obtaining money by false pretenses; 1 year in house of correction and fined \$1,000 and costs (pt. 3, exhibit 393, p. 1019).  (NOTE.—This criminal record obtained from Chicago Police
Northup, Clyde L	do	Cleveland Twist Drill Co., Cleveland, Ohio.	(1)	Apr. 10-May 5, 1934	p. 1016; exhibit 407, p. 1042. (See also pt. 3, exhibit	Department.)
!	do	American Metal Ware Co., Chicago, Ill.		May 7-19, 1934	398-D, p. 1036. Pt. 3, exhibit 392, p. 1016; exhibit	
Schuler, Harry	do	Cleveland Twist Drill Co., Cleveland, Ohio.		Apr. 10-May 10, 1934	407; p. 1042. Pt. 3, exhibit 392, p. 1017; exhibit 407, p. 1042. (See also pt. 3, exhibit 398-D, p. 1036.)	
	National Metal Trades Association.	Formica Insulation Co., Cincinnati, Ohio. Wilson & Bennett Manu- facturing Co., Clearing, Ill.	Recognition and wages.	,	Pt. 3, exhibit 392,	'

	Starr, Richard	do	Delta-Star Electric Co.,	(1)	Nov. 27-Dec. 8, 1933	Pt. 3, exhibit 392.
	:	do	Chicago, Ill. Mojonnier Bros. Co., Chicago, Ill.	Wage increase	Apr. 5-May 23, 1934	p. 1017.
Se.		do	Wm. Powell Co., Cincinnati. Ohio.	Recognition and	June 13-July 4, 1934	do
Rept.		do	Century Electric Co., St. Louis, Mo.	wages.	July 7-Aug. 16, 1934	p. 1017; exhibit
6, 76-1	į	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	398-D, p. 1036. Pt. 3, exhibit 392, p. 1017.
Ť		do	Black & Decker Electric Co., Kent, Ohio,	Recognition and wages.	May 6-June 4, 1936	do
111	Swanson, E. H	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	do
	:	do	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18–28, 1935	do
	Wenzel, Charles F.	do	Eaton Manufacturing Co., Cleveland, Ohio.	Recognition, wages, and hours.	Aug. 15-17, 1933	Pt. 3, exhibit 392, p. 1018.
			Formica Insulation Co., Cincinnati. Ohio	Recognition and wages.	May 10-19, 1934	do
		National Metal Trades As-	Wm. Powell Co., Cincinnati, Ohio.	do	June 13-July 4, 1934	do
		do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-July 3, 1935	do
		do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-27, 1936	do
	White, Burton	do	Weber Bros. Metal Works, Inc., Chicago, Ill.	** ages.	June 25-July 18, 1935	Pt. 3, exhibit 392, p. 1018; exhibit 398-D, p. 1037.
		do	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-Aug. 17, 1935	Pt. 3, exhibit 892, p. 1018.
		do	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 18-June 4, 1936	do

## II. THE OHIO GROUP

Name	Agency	Job	Cause of strike	Date	Citations	Criminal and arrest record
Adams, Charles	National Corporation Service (Allied Corporation Service).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as C. Adams); pt. 15-A, exhibit 1831, p. 5445.	June 18, 1936, in Kent, Ohio; shooting to wound; grand jury; \$1,500 (pt. 3, exhibit 396-G, pp. 1022-1023).
i	Cleveland Associated Industries.	Fairmount Creamery Co., Cleveland, Ohio.	Closed shop	Apr. 13-May 4, 1935	Affidavit of Charles Adams, supplementary exhibits, hearings, on associated Industries of Cleveland, exhibit	
	do	Thompson Products Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	5871. Pt. 22, p. 9367	
	do	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March 1936.	Pt. 22, p. 9368	
	do	Willard Storage Battery Co., Cleveland, Ohio.	Recognition; wages and hours.	May 10-18, 1935	Pt. 22, p. 9385	
	do	National Screw & Manufacturing Co., Cleveland, land, Ohio.	Wage increase	February-May 1935 (served 3 weeks).	Affidavit of Charles Adams, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit	!
	do	Great Atlantic & Pacific Tea Co., Cleveland, Ohio.	Recognition	May 19-29, 1936	5871. Pt. 22, p. 9386 and the affidavit of Charles Adams, supplementary exhibits, hearings on Associated Industries of Cleveland, ex-	
	do	Addressograph-Multigraph Corporation, Cleveland, Ohio	Wage increase	May 23-27, 1935	hibit 5871. Pt. 22, p. 9396	
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Obio.	Recognition and wages.	June 18, 1936	Pt. 3, exhibit 396-G, p. 1023; pt. 22, p. 9371.	

	tries.	Ohio Rubber Co. ("Picnic Strike"), Willoughby, Ohio.			Affidavit of Charles Adams, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5871. do	
	Pinkerton's National De- tective Agency, Inc.	Jobs unidentified	i			
	Co	do	1	į		i I
Albert(s), Ira. (See	Harry A. McGrath & Co., Secret Service, Inc., Cleve- land, Ohio	do				
Vargo, Harold Frederick.)						
Beaudry, Arthur M. (answers to the name of "Brodie" or "Brady"; known		Yellow Cab Co., Cleveland, Ohio.	Recognition and wages.	May 3-July 19, 1934	Testimony of Har- old Frederick Vargo, pt. 26, p. 10931.	
as "Slim.")	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9479.	
		Thompson Products, Inc., Detroit, Mich.	do	Feb. 20-Mar. 5, 1937	Affidavit of Charles Adams, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5875.	
Beck, C	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 19341		Ju
	National Metal Trades As-	Black & Decker Electric	Recognition and	June 18, 1936	Pt. 3, exhibit 396- QQ. p. 1033.	ĺ
Berk, Henry (alias Henry Berko- vitz).	sociation. Cleveland Associated Industries.	Co., Kent, Ohio. Chase Brass & Copper Co., Cleveland, Ohio.	wages. Discrimination	May 2, 1934	Pt. 22, exhibit 4255, p. 9467 (listed as Berks).	Ju
	do	National Screw & Manufacturing Co., Cleveland,	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9480.	
		Ohio. Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March 1936.	Pt. 22, p. 9375	

June 18, 1936 in Kent, Ohio; shooting at to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-QQ, p. 1033).

June 18, 1936, Kent, Ohio; as Morris Berkowitz; shooting with intent to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-DD, p. 1030).

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Berk, Henry (alias Henry Berko- vitz).	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	June 18, 1936	Pt. 3, exhibit 396-BB, p. 1030; pt. 22, p. 9375 (listed also as Morris Berko-	
Bodine, Herbert	National Corporation Service (Allied Corporation Service 2).	Manion Steel Barrel Co., Oil City, Pa.	Wage decrease	Mar. 20-Apr. 23, 1935	witz). Pt. 1, exhibit 186, p. 360.	
	National Metal Trades Association.	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	Mar. 25-Sept. 15, 1935.	do	
:		Vindicator and Telegram newspapers (newsboys strike), Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.	
	O. R. Hoover Service Co., Youngstown, Ohio.	(4.)	Recognition and wages.	July 27-Sept. 24, 1938	See p. 134.	
Bowen, Evan E	National Corporation Service (Allied Corporation Service).	Columbus Railway,/Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.	
	do.1	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15, exhibit 1831, p. 5445.	
Brodie. (See Beau- dry, A. M.) Brody. (See Beau-		,			0114	
dry, Arthur M.) Brooks, Richard. (See Vargo, Har- old Frederick.)						
Brown, Mike	National Corporation Service (Allied Corporation Service 1).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.	
	do.*	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15-A, exhibit 1831, p.	
	"Weasel Benny" Epstein	Eagle Pencil Co., Inc., New York, N. Y.	Recognition and	June 16-28, 1938	5445. See p. 133 and	
Byers, Mrs. Margaret (worked as street operative or missionary).	National Corporation Service (Allied Corporation Service ).	American Fork & Hoe Co., Ashtabula, Ohio.	wages.	May-August 1934	p. 200. Pt. 1, exhibit 187, p. 361.	

	do.²	Ashtabula Hide & Leather Co., Ashtabula, Ohio.	Discrimination	Oct. 15, 1934-Jan. 8,	do	1
	do.\$	Ashtabula Bow Socket	Recognition and	1935. May 1-23, 1934	do	
	do.²	Co., Ashtabula, Ohio.  Aetna Rubber Co., Ashtabula, Ohio.	wages. Recognition	Mar. 20-Apr. 13, 1934	do	
	do.3	Raser Tanning Co., Ashta- bula, Ohio.34		August-December 1934	do	
	do.3	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	p. 361; pt. 15-A, exhibit 1831, p.	
	do.\$	Val Decker Packing Co., Piqua, Ohio.	Violation of	Jan. 5-Feb. 28, 1935	5445. Pt. 1, exhibit 187,	İ
Canfield, Richard	Cleveland Associated Industries.	Chase Brass & Copper Co., Cleveland, Ohio.	agreement. Discrimination	Apr. 28, 1934	p. 361. Pt. 22, exhibit 4255, p. 9467.	J
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.		Pt. 3, exhibit 396- X. p. 1029.	
Carroll, F	National Corporation Service (Allied Corporation Service !).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 346.	
	Railway Audit & Inspec- tion Co., Inc.	Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 17-22, 1935	Pt. 15-D, exhibits 3595 and 3596, pp. 7012-7013	
_	,			-	(listed as Frank Carroll).	
Сазеу, ——	Cleveland Associated Indus- tries.	Thompson Products Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Pt. 22, p. 9371	
*	do	Statier Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March	do	
Catlin, Felix (usually worked as street operative or missionary).	National Corporation Service (Allied Corporation Service 2).	Otis Steel Co., Cleveland, Ohio.		Jan. 5, 1935	Pt. 1, pp. 207-208 and exhibit 187, p. 363.	
or	do.3	American Fork & Hoe Co., Ashtabula, Ohio.		May-August 1934	do	
	do.1	Ashtabula Hide & Leather Co., Ashtabula, Ohio.	Discrimination	Oct. 15, 1934-Jan. 8, 1935.	do	
: 	do.3	Ashtabula Bow Socket Co., Ashtabula, Ohio.	Recognition and	May 1-23, 1934	do	
	do.*	Aetna Rubber Co., Asha- bula, Ohio.	wages. Recognition	Mar. 20-Apr. 13, 1934	d <b>o</b>	
	do.\$	Wilson Rubber Co., Can- ton, Ohio.	do	Oct. 19-Nov. 20, 1934	Pt. 1, exhibit 187,	
	do.1	Columbian Enameling & Stamping Co., Terre	do	Mar. 25-Sept. 15, 1935_	p. 363.	
		Haute, Ind.				

June 18, 1936, at Kent, Ohio, by police department; shooting to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-X, p. 1029).

Name	Agency	Job	Cause of strike	Date	Citations	Criminal and arrest record .
Chase, Frank	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Ft. 22, exhibit 4259, p. 9475 (listed as F. E. Chase).	Aug. 14, 1922, at Cleveland. Ohio; assault to kill; Oct. 6, 1922, costs and 3 months in workhouse; con- victed of assault and battery. (supplementary exhibits, hear- ings on Associated Industries of
	do	Ohio Rubber Co., Willoughby, Ohio.	Recognition, wages and hours.	Feb. 18-28, 1935	Pt. 22, p. 9417, testimony of Frank Chase.	Cleveland, exhibit 5881).
Conley, P.	do	Addressograph-Multi- graph Corporation, Cleveland, Ohio.	Recognition	May 23-27, 1934	Pt. 22, p. 9398	
Costello. Tony. (See Cusack,	do	National Screw & Manufacturing Co., Cleveland- Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9473.	·
Austin.) Cusack, Austin (Alias Tony Costello, alias J. H. Hogan).	Foster's Industrial and Detective Bureau.	American Bridge Co., Jersey City, N. J.	(7)	1931–32	Pt. 15-C, exhibit 2934, p. 6389 (listed as John Hogan).	
	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352; pt. 15-A, exhibit 1831, p.	·
	do.³	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	5445. Pt. 1, exhibit 185, p. 346.	
	Cleveland Associated Indus- tries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	and exhibit 4259, p. 9471 (listed as	
Davis, Bob	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	do	April-May 1934	J. Hogan). Pt. 1. exhibit 185, p. 346.	
	Railway Audit & Inspec- tion Co., Inc.	Gulflongshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 17-22, 1935.	Pt. 15-D, exhibits 3595-3596, pp. 7012-7013 (listed	
Davis, Frank	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Wage increase	April-May 1934	as Robt. Davis). Pt. 1, exhibit 185, p. 346 (listed as Fr. Davis).	

	Railway Audit & Inspec- tion Co., Inc. (Chicago).	Uniontown, Fayette		August 1933	ings on S. Res.	
Dean, H. (alias Puncan, George).	Cleveland Associated Indus- tries.	County, Pa. National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	266, p. 150. Pt. 22, exhibit 4259, p. 9474.	July 13, 1915, in Detroit, Mich., as George Duncan; rape; 5 years in Jackson Penitentiary Sept. 21,
						1915 (pt. 3, exhibit 396-0, p. 1026), Nov. 2, 1926, in Dayton, Ohio, as Harry Dean; loitering; \$10 and costs; committed to workhouse (pt. 3, exhibit 396-0, p. 1026).
						Aug. 19, 1928, in Cleveland, Ohio, as Harry Dean; investigation (pt. 3, exhibit 396-0. p. 1026).
		,				June 1, 1929, in Pittsburgh, Pa., as Harry Francis Dean; suspicious person (pt. 3, exhibit 396-0, p. 1026).
						Jan. 15, 1933, in Mt. Vernon, Ohio, as Harry F. Dean; investigation; discharged (pt. 3, exhibit 396-0.
		:	•			p. 1026). Mar. 20, 1934, in Cleveland, Ohio, as Harry F. Dean; petty larceny; \$200 costs and 30 days in work-
i						house (pt. 3, exhibit 396-0, p. 1026). July 27, 1935, in Warren, Onio, as Harry Dean; investigation (pt.
						3, exhibit 396-0, p. 1026). Apr. 28, 1936, in Pittsburgh, Pa., as George A. Duncan; larceny
						(pt. 3, exhibit 396-0, p. 1026). June 18, 1936, in Kent, Ohio, as Harry Dean; shooting at to wound; grand jury; \$1,500 bond
Duncan, George.	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	June 18, 1936	Pt. 3, exhibit 396-0, p. 1026.	(pt. 3, exhibit 396-0, p. 1026).
(See Dean, H.). Fetter, J. (P.)	National Corporation Service.	Commercial Shearing & Stamping Co., Youngstown, Ohio,		August 1933	Pt. 1, exhibit 187, p. 364.	
• 1	National Corporation Service (Allied Corporation Service 1).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimin tion	April-May 1934	Pt. 1, exhibit 185, p. 347 (listed as J. P. Fetter).	
See footnotes	at end of table.			•		

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Fetter, J. P	National Corporation Service (Ailled Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 187, p. 364; pt.15-A, exhibit 1831, p.	-
	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increaso	February-May 1935	5445. Pt. 22, exhibit 4259, p. 9473.	
	Austin Cusack	Greyhound Bus Co., Cleve- land, Ohio.	Recognition and wages.	Nov. 25-Dec. 1, 1937	Affidavit of J. P. Fetter Supplementary exhibits, hearings on Republic Steel Cor; a-	
Fifer, George	Cleveland Associated Industries.	Hookless Fastener Co., Meadville, Pa.	(*)	July 1934	tion, exhibit 7435. Affidavit of Frank Marquard, sup- plementary ex- hibits, hearings on Associated Industries of Cleveland, ex-	
	do	National Screw & Manufacturing Co., Cleveland,	Wage increase	February-May 1935	hibit 5877. Pt. 22, exhibit 4259, p. 9471.	
Firestone, S	National Corporation Service (Allied Corporation Service 1).	Ohio. Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15-A, exhibit 1831, p. 5445.	
	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22. exhibit 4259, p. 9472.	
Fisk, Glen E. (generally worked as street operator, missionary, or dictaphone operator).	National Corporation Service (Allied Corporation Service 1).	Val Decker Packing Co., Piqua, Ohio.	Recognition	Mar. 7, 1934	Pt. 1, exhibit 187, p. 364.	
	do.1	American Fork & Hoe Co., Ashtabula, Ohio.		May-August 1934	do	
	do.¹	Ashtabula Bow Socket Co., Ashtabula, Ohio.	Recognition and wages.	May 1-23, 1934	do	
	do.2	Ashtabula flide & Leather Co., Ashtabula, Ohio.	Discrimination	1935.		
	do.2	Aetna Rubber Co., Ashta- bula, Ohio.	Recognition	Mar. 20-Apr. 13, 1934	do	

Vindicator and Telegram newspapers (newsboys strike), Youngstown, Ohio.		do <sup>2</sup>	Johnson Bronze Co., New Castle, Pa.	do	May 28-June 5, 1934	Pt. 1, exhibit 187, p. 364; pt. 15-A, exhibit 1831, p. 5415.
Provided Corporation Service   Castle Corporation Service   Castle Corporation Service   Castle Corporation Service   Castle Packing Co. Piqua, Ohio.   Val Decker Packing Co. Piqua, Ohio.   Val Decker Packing Co. Piqua, Ohio.   Vindicator and Tolegram newspapers (newshoys strike), Youngstown, Ohio.   Cleveland Associated Industries.   Castle Provided Castle Packing Co. Cleveland, Ohio.			newspapers (newsboys strike), Youngstown,	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit
Val Decker Packing Co.   Piqua, Ohio.   Piqua, Oh	Flynn, E. C	ice (Allied Corporation	Johnson Bronze Co., New Castle, Pa.			p. 305; pt. 15-A, exhibit 1831, p.
Vindicator and Tolegress (newshows strike), Youngstown, Ohio.   Cleveland Associated Industries.   Cleveland, Ohio.   Chase Brass & Copper Co., Cleveland, Ohio.   National Screw & Manufacturing Co., Cleveland, Ohio.   Chase Brass & Copper Co., Cleveland, Ohio.   Chase Brass & Copper Co., Cleveland, Ohio.   Clevela		do	Val Decker Packing Co.,	do	Mar. 7, 1934	Pt. 1, exhibit 187,
Cleveland Associated Industries.   Cleveland, Ohio.   National Screw & Manufacturing Co., Cleveland, Ohio.			Vindicator and Telegram newspapers (newsboys strike), Youngstown,	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit
National Screw & Manufacturing Co., Cleveland, Ohio.   Discrimination.   Apr. 28 and 30, 1934   Pt. 22, exhibit 4258, p. 9471.	Francis, Al		Chase Brass & Copper Co.,	Discrimination	Apr. 28 and 30, 1934	
Chase Brass & Copper Co., Cleveland, Ohio.   Clev		do	National Screw & Manufacturing Co., Cleveland,	Wage increase	February-May 1935	Pt. 22, exhibit 4258,
Hookless Fastener Co., Meadville, Pa.   Gardner, Joe   Gardner,	Francis, George	do	Chase Brass & Copper Co.,	Discrimination	Apr. 28 and 30, 1934	
Statler Hotel, Cleveland, Ohio.  National Screw & Manufacturing Co., Cleveland, Ohio.  Francis, Steve		do	Hookless Fastener Co.,	( <sup>§</sup> )	July 1934	Pt. 22, p. 9388
Francis, Steve do National Screw & Manufacturing Co., Cleveland, Ohio.  do do do Pt. 22, exhibit 4259, p. 9472.  Pt. 22, p. 9393 and exhibit 4259, p. 9471.  Statler Hotel, Cleveland, Ohio. Columbus Railway, Power & Light Co., Columbus, Ohio. Service 1). Johnson Bronze Co., New Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Ohio. Johnson Bronze Co., New Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Ohio. Johnson Bronze Co., New Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Ohio. Johnson Bronze Co., New Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Ohio. Discrimination April-May 1934.  Pt. 1, exhibit 185, p. 356. Pt. 1, exhibit 185, p. 356. Pt. 1, exhibit 185, p. 356. Pt. 1, exhibit 185, p. 349.		do	Statler Hotel, Cleveland,	Recognition	1936.	Pt. 22, p. 9378
Francis, Steve do do do Pt. 22, p. 9393 and exhibit 4259, p. 9471.  Statler Hotel, Cleveland, Ohio.  Friedman, M National Corporation Service (Allied Corporation Service 1).  do.*  Gardner, Joe do do do Pt. 22, p. 9393 and exhibit 4259, p. 9471.  Recognition Discrimination April-May 1934 Pt. 1, exhibit 185, p. 356.  Recognition May 28-June 5, 1934 Pt. 1, exhibit 185, p. 356.  Pt. 1, exhibit 185, p. 356.  Pt. 1, exhibit 185, p. 366.  Pt. 1, exhibit 185, p. 366.  Pt. 1, exhibit 185, p. 366.		do	National Screw & Manufacturing Co., Cleveland,	Wage increase	February-May 1935	
Friedman, M	Francis, Steve	do		do	do	exhibit 4259, p.
Friedman, M		1-	Contract Charles	70	0 - 4 - 7 - 700 - 35 - 3	71 00 - 000
ice (Allied Corporation Service 2).  Ohio.  Johnson Bronze Co., New Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Light Co., Columbus, Classification Columbus			Ohio.		1936.	
Castle, Pa. Columbus Railway, Power & Light Co., Columbus, Discrimination April-May 1934 Pt. 1, exhibit 185, p. 349.	Friedman, M	ice (Allied Corporation Service 2).	& Light Co., Columbus, Ohio.	Discrimination	April-May 1934	
Gardner, Joe Columbus Railway, Power Discrimination April-May 1934 Pt. 1, exhibit 185, p. 349.				Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186,
	Gardner, Joe	do. <sup>9</sup>	Columbus Railway, Power & Light Co., Columbus,	Discrimination	April-May 1934	Pt. 1, exhibit 185,

Feb. 28, 1935, in Cleveland, Ohio, as Steve Francis; carrying concealed weapons; had a blackjack and a tear gas gun. Discharged April 1, 1935 (pt. 22, exhibit 4258, p. 9471; see also pt. 22, exhibit 4257, pp. 9468-9470).

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Fardner, Joe	National Corporation Service (Allled Corporation Service 2).	Vindicator and Telegram newspapers (newsboys strike), Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.	
ardner, A. F	do.²	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348/	
	do.¹	Vindicator and Telegram newspapers (newsboys strike), Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.	
libney, Winfield	Railway Audit & Inspection Co., Inc. (New York).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	ings on S. Res.	
	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	p. 352 (listed as W. Gibney); pt. 15-A, exhibit	
liesse	Cleveland Associated Industries.	Chase Brass & Copper Co., Cleveland, Ohio.	Discrimination	Apr. 28 and 30, 1934	1831, p. 5445. Pt. 22, exhibit 4255, p. 9467.	
		National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4258, p. 9472 (listed as J. Geisse).	
oodman, H	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination_	April-May 1934	Pt. 1, exhibit 185, p. 347 (listed as Harry Good- man).	
	do.1	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit p. 351; pt. 15-A, exhibit 1831, p. 5445.	
	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9473.	
	do	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Affidavit of J. R. Cox, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit, 5874, flisted as Harry Good-	

Griffith, G. E	National Corporation Service (Allied Corporation Service ).	Columbus Railway, Power & Light Co., Columbus, Ohio.	do	April-May 1934	Pt. 1, exhibit 185, p. 349.
	do,¹	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352; pt. 15-A, exhibit 1831, p. 5445.
Grimes, S. A	do.³	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.
	do,¹	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15-A, exhibit 1831, p. 5445.
	Cleveland Associated Industries.	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Affidavit to J. R. Cox, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5874.
Gross, Ben (Benny the Fink).	do	Ohio Electric Manufac- turing Co., Cleveland, Ohio.	Wage increase	May 31-June 19, 1934	Affidavit of Ben Gross, supple- mentary exhib- its, hearings on Associated In- dustries of Cleveland, ex- hibit 5870.
	do	National Screw & Manufacturing Co., Cleveland, Ohio.	do	February-May 1935	Pt. 22, exhibit 4259, p. 9471; supplementary exhibits, hear- ings on Associ- ated Industries of Cleveland, exhibit 5870.
	do	Hanna Parking Lot Garage, Cleveland, Ohio.	Discrimination	July 6-Aug. 5, 1935	Supplementary exhibits, hear- ings on Associ- ated Industries of Cleveland, exhibit 5870.

As Benjamin Gross: attempted burglary, third degree, received at Elmira, N. Y., Reformatory Sept. 29, 1906, for a maximum term of 2½ years (supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5872).

Dec. 20, 1918, as Benjamin Gross, in Philadelphia, Pa.; larcany; no disposition (supplementary exhibit, hearings on Associated Industries of Cleveland, exhibit 5872). As Benjamin Gross: attempted

industries of Cleveland, exhibit 5872).

April 1, 1922, in Cleveland, Ohio, as Ben Gross; auto stealing; Sept. 20, 1922. nolle, criminal court (supplementary exhibits, hearing on Associated Industries of Cleveland, orbibit 5270). land, exhibit 5872).

II. THE OHIO GROUP-Continued

Name	Agency	Јор	Cause of strike	Date	Citation	Criminal and arrest record
Gross, Ben (Benny the Fink.)	Cleveland Associated Industries.	Thompson Products, Inc., Cleveland, Ohio.	Discrimination_	July 25-Aug. 13, 1935	Pt. 22, p. 9364, testimony of Ben Gross; affi- davit of Ben Gross; supple- mentary exhib- its. hearings on Associated In- dustries of Cleveland, ex- hibit 5870.	
	do	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-Mar. 1936_		
	do	Great Atlantic & Pacific Tea Co., Cleveland, Ohlo.	do	May 19-29, 1936	Affidavit of Charles Adams, supplementary exhibits, hear- ings on Associ- ated Industries of Cleveland,	
	do	Osborn Manufacturing Co. Cleveland, Ohio.	Wage increase	Apr. 5-16, 1937	exhibit 5871. Affidavit of Ben Gross, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5870.	
Grove, Geo	National Corporation Service (Allied Corporation Service 1).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination_	April-May 1934	Pt. 1, exhibit 185, p. 349.	
	do <sup>2</sup>	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15-A, exhibit 1831, p. 5445.	·
Harrison, Ray	do.²	Columbus Railway. Power & Light Co., Columbus, Ohio.	Discrimination_	April-May 1934		
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as R. Harrison); pt. 15-A, exhibit 1831, p. 5445.	

Hepburn, C. E	do.9	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.
Hogan, J. H. (See	do.³	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352; pt. 15-A, exhibit 1831, p. 5445.
Cusack, Austin.)	N-4'		,		
Hurley, Jack E	National Corporation Service.	Commercial Shearing & Stamping Co., Youngstown, Ohio.		August 1933	Pt. 1, exhibit 187, p. 367.
	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347 (listed as J. Hurley).
Javorsky, Mary (worked as street	do.1	American Fork & Hoe Co., Ashtabula, Ohio.		May-August 1934	Pt. 1, exhibit 187,
operative or mis- sionary).	do.3	Ashtabula Hide & Leather Co., Ashtabula, Ohio.	Discrimination	Oct. 15, 1934-Jan. 8, 1935.	
,	do.\$	Ashtabula Bow Socket Co., Ashtabula, Ohio.	Recognition and wages.	May 1-23, 1934	do
	do.²	Aetna Rubber Co., Ashta- bula, Ohio.	Recognition	Mar. 20-Apr. 13, 1934	do
	do.9	Val Decker Packing Co.,	do	Mar. 7, 1934	
	do.	Clover Leaf Dairy Co.,	Violation of agreement.	Sept. 7, 1935	do
	do.	Dayton Auto Dealers Association, Dayton, Ohio.	Recognition and wages.	Feb. 13, 1936	do
Jones, J. P	do.3	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.
	Cleveland Associated Industries.	Thompson Products, Inc., Cleveland, Ohio.	do	July 25–Aug. 13, 1935	Affidavit of J. R. Cox, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5879.
Kalman, Alex	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	do	April-May 1934	Pt. 1, exhibit 185, p. 346.
	Railway Audit & Inspection Co., Inc.	Guif longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 17-22, 1935	Pt. 15-A, exhibit 1766, p. 5347; pt. 15-D, exhibits 3595-3596, pp. 7012-7013.

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Keranchan. (See Korenchan.) Korenchan, Walter	National Corporation Service (Allied Corporation Service).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1. exhibit 185, p. 349; affidavit of Walter Koren- chan, supple-	
	do.2	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	mentary exhibits, hearings on Republic Steel Corporation, exhibit 7434. Pt. 1, exhibit 186, p. 354; pt. 15-A, exhibit 1831, p. 5445.	ţ
Kerwich, W	do.²	Columbus Railway, Power & Light Co., Columbus,	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348.	
	do.²	Ohio. Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, Exhibit 186, p. 351 (listed as	
Kinlow, Alfred (See	Cleveland Associated Industries.	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	B. Kerwick); pt. 15-A, exhibit 1831, p. 5445. Affidavit of J. R. Cox; supplementary exhibits, hearings on associated industries of Cleveland, exhibit 5879.	
Wolnik, Alfred). Kipp, Warren (or Wallace).	National Corporation Service.  National Corporation Serv-	Commercial Shearing & Stamping Co., Youngstown, Ohio. Columbus Railway, Power	Discrimination	August 1933	Pt. 1, exhibit 187, p. 368 (listed as Wallace Kipp).	
	ice (Allied Corporation Service <sup>2</sup> ).	& Light Co., Columbus, Ohio.		April-May 1934	Pt. 1, exhibit 185, p. 347.	
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	Мау 28-June 5, 1934	Pt. 1, exhibit 186, p. 350 (listed as W. Kipp); pt. 15-A exhibit 1831, p. 5445.	

Kuhl, C. M. (Red)_	Railway Audit & Inspection Co., Inc.	Wheeling Steel Corporation Yorkville, Ohio.		February 1922	Pt. 1, p. 197, testi- mony C. M. (Red) Kuhl; pt. 15-A exhibit	
	do	New Orleans Public Service, Iuc., New Orleans, La.		July 1-10, 1929 (period of violence): strike continued several months thereafter.	1766, p. 5348. Pt. 1, pp. 197, 198, testimony C. M. (Red) Kuhl; pt. 15-A exhibit 1766, p. 5348.	
)   	National Corporation Serv- ice (Allied Corporation Service <sup>2</sup> ).	Columbus Railway, Power & Light Co. Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 346.	
	National Corporation Service.	Commercial Shearing & Stamping Co., Youngstown, Ohio.		August 1933	Pt. 1, p. 204. testimony of C. M. (Red) Kuhl.	
	National Corporation Service (Allied Corporation Service <sup>2</sup> ).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, p. 204, testimony C. M. (Red) Kuhl; pt. 15-A, exhibit 1831, p. 5445.	
į.		Vindicator & Telegram newspapers (newsboys' strike), Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.	
Laurie, Roccg	Cleveland Associated Industries.	Hanna Parking Lot Garage, Cleveland, Ohio.	Discrimination	July 6-Aug. 5, 1935	Supplementary exhibits, hear- ings on Asso- ciated Industries of Cleveland, ex- hibit 5895.	Dec. 30, 1930, Cleveland, Ohio; violation of auto law, sec. 12618 (pt. 3, exhibit 396-F, p. 1022).  Apr. 3, 1935, Cleveland Ohio; petty larceny (pt. 3, exhibit 396-F, p. 1022).  Jan. 22, 1936, Cleveland, Ohio;
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	June 18, 1936	Pt. 3, exhibit 396-F, p. 1022.	carrying concealed weapons; disposition no bill; grand jury (pt. 3, exhibit 396-F, p. 1022).  June 18, 1936, Kent, Ohio; shooting at to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-F, p. 1022).

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Marquard, Frank	Cleveland Associated Industries.	Ohio Rubber Co., Willoughby, Ohio.	Recognition	Sept. 2–8, 1933	Affidavit of Frank Marquard, sup- plementary ex- hibits, hearings on Associated Industries of Cleveland, ex- hibit 5877.	Oct. 22, 1925, Cleveland, Ohio, as Frank Marquard; charged with obtaining money by false pre- tenses and conversion (2 cases); Nov. 20, 1925, plead guilty and fined costs and 30 days in work- house for obtaining money by false pretenses; Nov. 10, 1925, obtaining property by false pre- tenses; no bill; grand jury. (Sup- plementary exhibits, hearings on Associated Industries of Cleve-
	do	Cleveland File Co., Cleve- land. Ohio.	Recognition and	June 5-Aug. 31, 1934	do	land, exhibit 6042-B.)
	do	Hookless Fastener Co., Meadville, Pa.	wages.	July 1934	Pt. 22, p. 9387; testimony of Frank Mar- quard; affidavit of Frank Mar- quard; supple- mentary ex- hibits, hearings on Associated Industries of Cleveland, ex-	
	do	Ohio Electric Manufactur- ing Co., Cleveland, Ohio.	Wage increase	May 31-June 19, 1934	hibit 5877. Pt. 22, p. 9385, testimony of Frank Mar- quard; affidavit of Frank Mar- quard; supple- mentary ex- hibits, hearings on Associated	·
	do	National Screw & Manufacturing Co., Cleveland, Ohio.	do	February-May 1935	Industries of Cleveland, exhibit 5877. Pt. 22, exhibit 4259, p. 9471 (listed as E. Marquard): affidavit of Frank Mar-(	

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					quard; supple-
	do	Chase Brass & Copper Co Cleveland, Ohio.	. Discrimination	Apr. 28 and 30, 1935	mentary exhibits, hearings on Associated Industries of Cleveland, exhibit 5877.  Pt. 22, exhibit 4255, p. 9467; affidavit of
	<u> </u>	'			Frank Marquard, supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 5877.
		Addressograph-Multigraph Corporation, Cleveland, Ohio.	Wage increase	May 23-27, 1935	Pt. 22, p. 9401; affidavit of Frank Mar- quard; supple- mentary ex- hibits, hearings on Associated Industries of Cleveland, ex- hibit 5877.
	do	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Pt. 22, p. 9363, testimony of Frank Mar- quard; affidavit of Frank Mar- quard, supple- mentary ex- hibits, hearings on Associated Industries of Cleveland, ex-
Martin, J	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	hibit 5877. Pt. 1, exhibit 186, p. 352; pt. 15-A, exhibit 1831, p. 5445.
	Cleveland Associated Industries.	National Screw & Manu- facturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9477.

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Martin, K. E	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348.	
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351; pt. 15-A, exhibit 1831, p.	
McCabe, John	Railway Audit & Inspection Co., Inc.	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several months thereafter.	5445. Pt. 1, p. 199; pt. 15–A, exhibit 1766, p. 5349.	•
	National Corporation Service (Allied Corporation Service 2).	New Orleans longshore- men's strike, New Or- leans, La.		1931	Pt. 15-A, exhibit 1830, p. 5444.	
	Foster's Industrial and Detective Bureau.	American Bridge Co., Jersey City, N. J.	(7)	1931-32	Pt. 15-C, exhibit 2934, p. 6389 (listed as J. Mc-	!
	National Corporation Service (Allied Corporation Service?).	Manion Steel Barrel Co., Oil City, Pa.	Wage decrease	Mar. 20-Apr. 23, 1935	Cabe.) Pt. 1, exhibit 187, p. 370.	
	do.²	Wheeling Steel Corporation, Portsmouth, Ohio.	Recognition and wages.	May 22-July 12, 1936	Do.	
	Railway Audit & Inspection Co., Inc. (N. Y.).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.	wages.	August 1933	Preliminary hearings on S. Res. 266; p. 150 (listed as Scotty McCabe).	
	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus. Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 346 (listed as	ţ,
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Jno. McCabe), Pt. 1, exhibit 186, p. 352 (listed as J. McCabe); pt. 15-A, exhibit	
McGinnis, John	Cleveland Associated Industries.	Addressograph-Multigraph Corporation, Cleveland, Ohio.	do	Mar. 21-Apr. 8, 1934	1831, p 5445. Pt. 22, p. 9401	Mar. 19. 1935, Cleveland, Ohio, carrying concealed weapons (pt.
	do	National Screw & Manu- facturing Co., Cleveland, Ohio.	Wage increase	February-May 1935.	Pt. 22. exhibit 4259, p. 9475.	22, exhibit 4263, p. 9485-9486).
McMillan, Eugene.	National Corporation Service (Allied Corporation Service 1).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348.	

	do.i	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351 (listed as E. McMullen): pt. 15-A, exhib- it 1831, p. 5445.
	do.3	Manion Steel Barrel Co, Oil City, Pa.	Wage decrease	Mar. 20-Apr. 23, 1935	Pt. 1, exhibit 186. p. 371 (listed as Gene McMil- len).
Meggart, Pau'	do.².	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as P. Maggett); pt. 15-A, exhibit 1831, p. 5445.
	Cieveland Associated Industries.	Statler Hotel, Cleveland, Ohio.	do	Sept. 5, 1935-March 1936.	Pt. 22, p. 9366, testimony of Paul Meggart.
	do	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Pt. 22, p. 9365. testimony of Paul Meggart.

Mar. 21, 1927, in Cleveland, Ohio, as Leo P. Maggert; fugitive from justice; turned over to Waukegan, Ill., police; obtaining goods by false pretense (supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 6042-B).

As Leo Maggert; received at War-

As Leo Maggert; received at Warrensville, Ohio, workhouse Jan. 14. 1923 to serve \$167.40; violation of liquor ordinance (supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 6042-B).

exhibit 6042-B).

As Paul Maggert; received at Columbus, Ohio, workhouse Apr. 14, 1932, to serve \$100 and costs and 30 days; petty larceny (supplementary exhibits, hearings on Associated Industries of Cleveland, exhibit 6042-B).

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Meggart, Paul	Cleveland Associatted Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9478 (listed as P. Maggett); pt. 22, p. 9390.	July 29, 1932, in Cleveland, Ohio. Leo P. Maggert; robbery; turned over to Toledo, Ohio, police (supplementary exhibits. hearings on Associated Industries of Cleveland, exhibit 6042-B). July 30, 1932, in Toledo, Ohio; as Leo P. Maggert; robbery (sup- plementary exhibits, hearings on Acsociated Industries of Cleve- lend, exhibit 6042-B). June 27, 1934 in Cleveland, Ohio, as Paul Maggert; destruction of property; 2 cases; held for grand jury (supplementary ex- hibits, hearings on Associated Industries of Cleveland, ex- hibit 6042-B). Nov. 5, 1936, in Cleveland, Ohio, as Leo Maggert; mallcious de- struction of property; costs and 20 days; sentenced to 6 months on Nov. 12, 1936 (supplementary exhibits, hearings on Associated Industries of Cleveland, ex-
Miller, J	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	p. 351; pt. 15-A, exhibit 1831, p.	hibit 6042-B).
	Cleveland Associated Industries.	National Screw & Manu- facturing Co., Cleveland,	Wage increase	February-May 1935	5445. Pt. 22, exhibit 4259, p. 9472.	
Miller, Vic	National Corporation Service (Allied Corporation Service 1).	Ohio. Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352; pt. 15-A, exhibit 1831, p. 5445.	May 1, 1935, in Sandusky, Ohio: conspiracy to riot, mayhem assault, and possession of bombs
	do.3	Manion Steel Barrel Co., Oil City, Pa.	Wage decrease	Mar.20-Apr. 23, 1935		(2 charges): nolle prosequi on first charge; found not guilty on second charge, Oct. 3, 1935 (sup-
	Cleveland Associated In- dustries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259. p. 9478 (listed as V. Miller).	plementary exhibit, hearings on

		Cleveland Sandusky Brawery Corporation, Sandusky, Ohio.	Jurisaietion	Apr. 11-Nov. 15, 1935.	Supplementary exhibits, hearings on Associated Industries of Cleveland. ex- hibit 6042-C.	
Milton, Geo	National Corporation Service (Allied Corporation Service ).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1. exhibit 185, p. 347.	
;	do.i	Johnson Bronze Co., New Castle, Pa.	Recognition	May ≫-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as G. Milton); pt. 15-A, exhibit 1831, p. 5445.	
Minnert, George	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935		May 1, 1935, in Sandusky, Ohio, as George Minnert; conspiracy to incite riot; mayhem; \$5,000 bond; grand Jury. (pt. 3, exhibit 396-Q, p. 1027.)
	<b></b>	Cleveland Sandusky Brewery Corporation, Sandusky, Ohio.	Jurisdiction	Apr. 11-Nov. 15, 1935	Supplementary exhibits, hear- ings on Associ- ated Industries of Cleveland, ex- hibit 6042-C.	May 6, 1935, in Sandusky, Ohio; illegal possession of bombs; \$5,000; to grand jury (pt. 3, exhibit 396-Q, p. 1027).
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	June 18, 1936	Pt. 3, exhibit 396- Q, p. 1027.	June 18, 1936; shooting at to wound. Kent, Ohio; grand jury: \$1,500 bond. (See pt. 3, exhibit 395-Q, p. 1027.)

II. THE OHIO GROUP-Continued

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Minnert, Russell (alias Russeil B. Minor).	Cleveland Associated Industries.	Hookless Fastener Co., Meadville, Pa.	(5)	July 1934	Affidavit of Frank Marquard, sup- plementary ex- hibits, hearings on Associated Industries of Cleveland, ex-	Aug. 28, 1924, in Cleveland, Ohio, as Russell B. Minor; rape (pt. 3, exhibit 396-A, p. 1020).  June 18, 1926, in Kent, Ohio, as Russell B. Minnert; shooting at to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-A,
	do	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	hibit 5877. Pt. 22, exhibit 4259, p. 9471.	p. 1020).
	do	Thompson Products, Inc., Cleveland, Ohio.	Discrimination	July 25-Aug. 13, 1935	Affidavit of J. R. Cox, supplementary exhibits, hearings on Associated Industriess of Clevland, exhibit	
		Ohio Rubber Co., "picnic strike" Willoughby, Ohio.	(*)	August 1936	5874. A fiid a vit of Charles Adams, supplementary exhibits. hearings on Associated Industries of Cleveland.	
	do	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March 1936.	exhibit 5871. Pt. 22, p. 9378	
"Mitchell, Charles	Foster's Industrial and Detective Bureau.	American Bridge Co., Jersey City, N. J.	(?)	1931-32	Pt. 15-C, exhibit 2934, p. 6390 (listed as Chas.	
	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	P. Mitchell). Pt. 1, exhibit 185, p. 349.	
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 350; pt. 15-A, exhibit 1831, p. 5445.	
Murphy, Jas. E	do.²	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347,	

ļ	do.³	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 351 (listed as
		·			J. Murphy): pt. 15-A, exhibit
O'Neil, C. E	do.\$	do	do	do	1831, p. 5445. Pt. 1, exhibit 187,
					p. 372; pt. 15-A, exhibit 1831, p. 5445.
	do.2	Val Decker Packing Co., Piqua, Ohio.	Violation of	Jan. 5-Feb. 28, 1935	Pt. 1, exhibit 187, p. 372.
Payne, Harold	do.²	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1. exhibit 185, p. 349.
	do,b	Johnson Bronze Co., New Castle, Pa.	Recognition.	May 28-June 5, 1934	p. 351 (listed as H. Payne): pt. 15-A, exhibit
Prentice, Ernest	do.²	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	1831, p. 5445. Pt. 1, exhibit 185, p. 347.
	do.²	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as E. Prentice); pt. 15-A, exhibit 1831, p. 5445.
Reed, Al	do.²	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.
	do.1	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p.351 (listed as A. Reed): pt. 15-A, exhibit 1831, p.
Rollins, John L. (See South, J. P.) Ruschke, L. or					5445.
Ruschel, Lawrence.	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9473.
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	June 18, 1936	Pt. 3. exhibit 396-Z, p. 1029.

June 18, 1938, in Kent. Ohio as Lawrence G. Ruschkel; shooting at to wound; grand jury; \$1,500 (pt. 3, exhibit 396-Z, p. 1029).

II. THE OHIO GROUP-Continued

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
South, J. P. (alias John L. Rollins).	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.	In Pittsburgh, Pa., and in Akron, Ohio, as John L. Rollins; did not result in conviction or jail sentence; Apr. 9, 1919, sentence of 1 year and a day in U. S. Penitentiary, Altanta, Ga., for stealing Government property; Dec. 24, 1932, sentence of 3 to 6 months in the Allegheny County Workhouse, Blawnox, Pa., for larceny
	do.3	Dayton Auto Dealers Association, Dayton, Ohio.	Recognition and	Feb. 13, 1936	do	(pt. 1, exhibit 187, p. 375).
	do.1	Wheeling Steel Corpora-	wages.	May 22-July 12, 1936	do	
	do.³	tion, Portsmouth, Ohio. Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	do	
		Vindicator & Telegram newspapers (newsboys strike) Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.	
Spooner, Jacob	Cleveland Associated Industries.	National Screw & Manu- facturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9472.	
	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	đo	May 23-27, 1935	supplementary exhibit; hear- ings on Associ- ated Industries of Cleveland.	,
Strothers, Mrs. Hazel (worked as street operative or missionary).	National Corporation Service (Allied Corporation Service 1).	American Fork & Hoe Co., Ashtabula, Ohio.	1	May-August 1934	exhibit 5871. Pt. 1, exhibit 187, p. 375.	
	do.²	Ashtabula Hide & Leather Co., Ashtahula, Ohio.	Discrimination	Oct. 15, 1934-Jan. 8, 1935.	do	
	do.1	Ashtabula Bow Socket Co., Ashtabula, Ohio.	Recognition and wages.	May 1-23, 1934	do	
	do.³	Aetna Rubber Co., Ashta- bula, Ohio.	Recognition	Mar. 20-Apr. 13, 1934	do	
	do. <sup>2</sup>	Val Decker Packing Co., Piqua, Ohio.	Violation of agreement.	Jan. 5-Feb. 28, 1935	do	

Sullivan, John A		Green Cab Co		Feb. 19, 1930	
	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	p. 340. Pt. 1, exhibit 185, p. 347.
Sweeney, Joe	Railway Audit & Inspec- tion Co., Inc. (New York)	H. C. Frick Coke Co.,		August 1933	Preliminary hearings on S. Res. 266, p. 150.
	National Corporation Serv. ice (Allied Corporation Service 1).	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as J. Sweeney); pt.
Tracy, Rex (alias Regis L. Watson).	do.3	do	do	do	15-A, exhibit 1831, p. 5445. Pt. 1, exhibit 186,
Regis D. Watson).					p. 351 (listed as R. Watson); pt. 15-A, exhibit 1831, p. 5445.
	do.3	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348 (listed as R. L. Watson).
	Cleveland Associated Indus- tries.	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March 1936.	Pt. 22, p. 9379
	do	National Screw & Manu- facturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9471.
Vamos, Joseph	do	do	do	do	Pt. 22, exhibit
	do	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935–March 1936.	4259, p. 9474, pt. 26, p. 10938. Pt. 26, p. 10938, testimony of Joseph Vamos.
	Pinkerton's National Detec-	Industrial Rayon Corpora-	Recognition and	May 20-July 31, 1935	do
	tive Agency, Inc. National Metal Trades Association.	tion, Cleveland, Ohio. Black & Decker Electric Co., Kent, Ohio.	wages. do	June 18, 1936	Pt. 3, exhibit 396— D, p. 1021; pt. 26, p. 10938.

Mar. 21, 1935, in Cleveland, Ohio, as Regis L. Watson; charged with shooting with intent to kill, plead guilty, sent to Ohio State Reformatory; sentence suspended 2 years and paroled (pt. 22, exhibit 4261, p. 9483).

Mar. 22, 1935, in Cleveland, Ohio; carrying concealed weapons; May 16, 1935, no bill; grand jury. June 18, 1936, in Kent, Chio; shooting at to wound; grand jury; \$1,500 bond (pt. 3, exhibit 396-D, p. 1021).

# II. THE OHIO GROUP-Continued

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Vargo, Harold Frederick (alias Brooks, Richard,	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 348.	
alias Albert(s), Ira).		Gasoline stations, Cleveland, Ohio.	Recognition	April 1934	Pt. 26, p. 10932, testimony of Harold Freder- ick Vargo.	
	National Corporation Service (Allied Corporation Service 2).	Johnson Bronze Co., New Castle, Pa.	do	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 352 (listed as H. Vargo); pt. 15-A, exhibit 1831, p. 5445; pt. 26, p. 10932.	
		Yellow Cab Co., Cleve- land, Ohio.	Recognition and wages.	May 3-July 19, 1934	Pt. 26, p. 10932, testimony of Harold Freder- ick Vargo.	-
	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	rick vargo. Pt. 22, exhibit 4259, p. 9471 (listed as R. Vargo); pt. 22, exhibit 4259, p. 9472 (listed as R. Brooks); pt. 26, p. 10932.	
	đo	Statler Hotel. Cleveland, Ohio.	Recognition	Sept. 5, 1935-March 1936.	Pt. 26, p. 10938, testimony of Harold Freder- ick Vargo.	
	(Hired directly)	Republic Steel Corporation, Youngstown, Ohio.	Refusal to sign contract.	May-June 1937	Pt. 26. p. 10908, testimony of Harold Freder-	
Wallace, Al B	National Corporation Service (Allied Corporation Service?).	Novelty Advertising Co., Coshocton, Ohio.	Recognition, wages, and hours.	Aug. 23-Sept. 20, 1935.	p. 378.	
Water Desig I	do.1	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	do	
Watson, Regis L. (See Tracy, Rex.) Wheat, A, E.	do.²	American Fork & Hoe Co., Ashtabula, Ohio. S Ashtabula Hide & Leather	Discrimination	May-August 1934 Oct. 15, 1934-Jan. 8,	Pt. 1, exhibit 187, p. 379.	
	do.²	Co., Ashtabula, Ohio. <sup>3</sup> Ashtabula Bow Socket Co., Ashtabula, Ohio. <sup>3</sup>		1935. May 1-23, 1934	do	

	do.3	Aetna Rubber Co., Ash-	Recognition	Mar. 20-Apr. 13, 1934_	do	1	
	do.2	Piqua, Ohio.	Violation of agreement.	Jan. 5-Feb. 28, 1935	do		
	do.²	Clover Leaf Dairy Co., Toledo, Ohio.	do	Sept. 7, 1935	do		
	do.2	Columbian Enameling & Stamping Co., Terre Haute, Ind.	Recognition	July 18-28, 1935	do		
	do.3	U. S. Stamping & Enameling Co., Moundsville.	do	Nov. 6-27, 1935	do		
		W. Va. Vindicator and Telegram	Wage decrease	May 20-23, 1935	Pt. 15-A. exhibit.		
		newspapers (newsboys strike), Youngstown, Ohio.		11109 20 20, 10,00	1834, p. 5456.		
Wolnik, Alfred (alias Kinlow).	National Corporation Service (Allied Corporation Service 2).	Commercial Shearing & Stamping Co., Youngstown, Ohio.		August 1933	Pt. 1, exhibit 187, p. 378.		
	do.²	Manion Steel Barrel Co., Oil City, Pa.	Wage decrease	Mar. 20-23, 1935	do		
	do.²	Columbian Enameling & Stamping Co., Terre Hauts, Ind.	Recognition	July 18-28, 1935	do		
:		Vindicator and Telegram newspapers (newsboys strike), Youngstown, Ohio.	Wage decrease	May 20-23, 1935	Pt. 15-A, exhibit 1834, p. 5456.		
Wright, Bill	Cleveland Associated Industries.	National Screw & Manufacturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9471.	June 18, 1936, in Kent, Ohio, as Ralph E. Wright; shooting with intent to wound; grand jury; \$1.500 bond (pt. 3, exhibit 396-R,	
	do	Statler Hotel, Cleveland, Ohio.	Recognition	Sept. 5, 1935-March	Pt. 22, p. 9378	p. 1028).	
	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	1936. June 18, 1936	Pt. 3, exhibit 396-R, p. 1028 (listed as Ralph E. Wright).		
					B. Wilgitty.		
III. THE RAILWAY AUDIT & INSPECTION CO. GROUP							
Allen, Sheppard. (See Williams,							
Č. N.). Allen, Tom	Railway Audit & Inspection Co., Inc.	New Orleans Public Service. Inc., New Orleans, La.*		July 1-10, 1929 (period of violence); strike continued several months thereafter.	Pt. 1, p. 199		

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Allen, Tom	Railway Audit & Inspection Co., Inc. (Chicago).	H. C. Frick Coke Co. Uniontown, Fayette County, Pa.		August 1933	Preliminary hearings on S. Res. 266, p. 150.	
Casey, Michael B., "Red"). Black, Harry (alias John Black; alias Harry Schartz; alias Thompson).	Bergoff [sic]	Standard Oil Co., New York, N. Y.		October 1929	Pt. 15-A, exhibit 1766, p. 5329.	Fcb. 19, 1930, in Pittsburgh, Pa., as John Black, alias Harry Schwartz; charge, misdemeanor; case nolle prossed, July 12, 1930 (pt. 1, ex- hibit 181, p. 340).
		Green Cab Co., Pittsburgh, Pa.	1		n 310	June 7, 1932, in St. Louis, Mo., as Harry Black; charge, assault with
	Railway Audit & Inspection Co., Inc.	General Material Co., St. Louis, Mo.		June 1932	Pt. 15-A, exhibit 1766, p. 5329; pt. 1, exhibit 181, p. 310.	intent to kill (pt. 1, exhibit 181, p. 340). March 1930 at Pittsburgh; charge, possessing tear-gas bombs; dis-
	do	Standard Steel Spring Co.,		do	Pt. 15-A, exhibit 1766, p. 5329.	charged (pt. 15-A, exhibit 1766, p. 5329). Harry Black, alias
	Railway Audit & Inspection Co., Inc. (New York).	Uniontown, Fayette	1		Preliminary hear- ings on S. Res.	Thompson; wanted in Othea, Kans., on charge of burglary (pt.
	Star Commissary and Employment Bureau, Pitts- burgh, Pa. <sup>10</sup>	Unknown			Pt. 15-A, exhibit 1766, p. 5329.	,
Black, John. (See Black, Harry).	<b>,</b>					
Blake, William	Railway Audit & Inspection Co., Inc., (Pittsburgh, Pa.).	Uniontown, Fayette			ings on S. Res. 266, p. 150.	
Boilermaker (see	do	Gulf longshoremen's strike, Lake Charles, La.	wages.	Oct. 16-25, 1935	Pt. 15-A, exhibit 1766, p. 5329; pt. 15-D, exhibits 3595-3596, pp. 7012-7013.	·
Williams, C. N.) Britt, Jimmy (Stan-	Railway Audit & Inspection	General Material Co., St. Louis, Mo.		June 1932	Pt. 15-A, exhibit 1766, p. 5331.	June 20, 1927, in Pittsburgh, Pa., as Stanley Joseph Britt; charge,
ley Joseph).	Co., Inc. Railway Audit & Inspection Co., Inc. (New York).			August 1933	Preliminary hearings on S. Res. 2.6, p. 150 (listed as Jimmie Britt).	suspicious person, "could give no reasonable account of himself." Arrested with Frank Smith, alias
				!		Stanley J. Britt; charge, assault with intent to kill (pt. 1, p. 339).

Brophy, Clyde	Railway Audit & Inspection	General Material Co., St.		June 1932	Pt. 15-A, exhibit	
Emerson.	Co., Inc.	Louis, Mo.			1766, p. 5331.	
	National Corporation Serv-	Columbus Railway, Power	Discrimination	April-May 1934		
	ice (Allied Corporation	& Light Co., Columbus,			p. 346 (listed as	
	Service 2).	Ohio).		7 7 4 70 7000 4 7 7	C. E. Brophy).	
Brown, Joe (alias	Railway Audit & Inspection	New Orleans Public Serv-		July 1-10, 1929 (period	Pt. 1, p. 199	May 6, 1925, in Manhattan, N. Y.,
Joseph Gorsky;	Co., Inc.	ice, Inc., New Orleans,		of violence); strike		as Joseph Gorsky; charge, rob-
alias Joseph Gor-		La.		continued several		hery: May 7, 1925, discharged
don; alias John	77 4 1 7 7 1 1 2 1 7 1 7 1	American Delant Co. To.		months thereafter.	The 15 C ambibite	(pt. 15-A, exhibit 1766, p. 5332).
Smith).	Foster's Industrial and De-	American Bridge Co., Jer-	(7)	1931=32	Pt. 15-C, exhibit	Sept. 9, 1930, in Manhattan. N. Y.,
	tective Bureau.	sey City, N. J.		A 1022	2934, p. 6389.	as Joseph Gorsky; charge, felo-
	Railway Audit & Inspection	H. C. Frick Coke Co.,		August 1933		nious assault; July 20, 1931, dis-
	Co., Inc. (New York).	Uniontown, Fayette			ings on S. Res.	missed. grand jury (pt. 15-A,
	ا	County, Pa.	 	1024	266, p. 150. Records supplied	exhibit 1766, p. 5332).
	do	Kelvinator Corporation		1934	by Kelvinator	Apr. 15, 1933, in Broux, N. Y., as Joseph Gorsky; charge, grand lar-
		Long Island City, N. Y.			Corporation,	ceny; Apr. 15, 1933, discharged
				:	held in com-	(pt. 15-A, exhibit 1786, p. 5332).
			1		mittee files.	Feb 2. 1934. in Bronx. N. Y., as Jo-
	do	Bush Terminal Co., New	Recognition.	Oct. 24-Nov. 8, 1934		seph Gordon; charge, policy, on
		York, N. Y.	wages, and	000. 24-1101. 6, 1834	1 t. 1, pp. 100-10522	Mar. 13, 1934, \$100 or 20 days,
		1012, 11. 1.	hours.			special session (pt. 15-A, exhibit
	do	Reick-McJunkin Dairy.	Recognition and	Apr. 27-May 1, 1935	Pt. 15-A. exhibit	1766, p. 5332).
		Pittsburgh, Pa.	wages.	12000	1766, p. 5332.	Feb. 3, 1934, in Bronx, N. Y., as
	do	Purities Bakeries Corpora-		Oct. 23, 1935-Jan. 25,		Joseph Gorsky; charge, policy;
		tion, Brooklyn, N.Y. 11		1936.		on May 11, 1934, \$50 or 10 days.
	do	Cushmans Sons, Inc., New		do	do	special session (pt. 15-A, exhibit
		York, N. Y. 5 11	l			1766, p. 5332).
	"Weasel Benny" Epstein	Eagle Pencil Co., Inc.,	Recognition and	June 16-Aug. 8, 1938		Jan. 3, 1935, in Bronx. N. Y., as Jo-
	·	New York, N. Y.	wages.		200 and p. 133.	seph Brown; charge, policy; on
			l		i i	Feb. 26, 1935, 30 days workhouse,
						special session (pt. 15-A, exhibit
			1			1766, p. 5332).
			ì			Mar. 23, 1938, in Bronx, N. Y., as
	,					John Smith: charge, policy; on
			ì			Mar. 24. 1936, discharged (pt.
			1			15-A. exhibit 1768, p. 5332). Apr. 8, 1936, in Bronx, N. Y., as Jo-
	1		1			seph Gorsky; 887 Code of Crim-
						ino! Procedure. Apr. 9, 1936, dis-
			1			charged (pt. 15-A, exhibit 1766,
	<b>1</b>		1	,		p. 5332).
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Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Casey, Michael B. ("Red," alias Bernard).	Railway Audit and Inspection Co., Inc. (Pennsylvania Industrial Service Co.).	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several months thereafter.	Pt. 15-A, exhibit 1766, p. 5333, and pt. 1, p. 158, testimony of Michael B.	May 4, 1936; convicted of arson, 3d degree; sentenced to Clinton State Prison, New York, 1½ to 3 years (pt. 15-A, exhibit 1766, p. 5333).
	do	Bush Terminal Co., Brooklyn, N. Y.	Recognition, wages, and hours.	Oct. 24-Nov. 8, 1934	Casey. Pt. 1, p. 159, testimony of Michael B. ("Red") Casey; pt. 15-A. exhibit 1766, p.	
	Railway Audit & Inspec- tion Co., Inc.	Kelvinator Corporation, Long Island City, N. Y.		1935	5333. do	
	do	R. C. A. Manufacturing Co., Camden, N. J.		May and June of 1936.	Pt. 1, p. 160, testimony of Michael B. ("Red") Casey; pt. 15-A. exhibit 1766, p.	
Chowderhead.	Bergoff (sic)	Remington Rand, Inc., Ilion. N. Y.; Middletown, Conn.; Utica, N. Y.	Recognition and wages.	May 21-Nov. 20, 1936.	3333. Pt. 1, pp. 161-165, testimony of Michael B. ("Red") Casey:	·
(See Cohen, Sam.) Cleary, William. (See Williams, C. N.)	•	!			pt. 15-A, exhibit 1766, p. 5333.	
Cohen, Joseph. (See Pullman), Joe.)						
Cohen, "Phoney Lou."	Railway Audit & Inspec- tion Co., Inc.	Reick-McJunkin Dairy Co., Pittsburgh, Pa.	Recognition, wages, and	Apr. 27-May 1, 1935	Pt. 15-A, exhibit 1766, p. 5334.	
:	do	Kelvinator Corporation, Long Island City, N. Y	hours.	1934	do	
	do	Bickfords, Inc., New York, N. Y.	Recognition	May 19-June 19, 1935	do	
	do	Eastern Rolling Mills, Bal- timore, Md.	Wage decrease	Oct. 1-2, 1935	do	·
	do	Maritime strike, New York, N. Y.		1936	do	;
Cohen, Sam (alias "Chowderhead" alias Charles	do	Cushmans Sons, Inc., New York, N. Y.11	Recognition, wages, and hours.	Oct. 23, 1935-Jan. 25, 1936.	Pt. 1, p. 146, testi- mony of Sam Cohen; pt. 15-	as Sam Cohen: receiving stolen

Harris; alias Charles Gold-			:		A, exhibit 1766, p. 5334.	for pp
berg: alias "Big	do	Purities Bakeries Corpora-	do		Pt. 1, p. 146, testi-	Mar
Sammy" Cohen:		tion, Brooklyn, N. Y. 11		_	mony of Sam Cohen.	as M
alias Samuel Louis Cohen;					Conen.	ex
alias Sam Har-	Sherwood Detective Bureau	Building-service employees	Wage increase	Mar. 1-15, 1936	Pt. 1, p. 142, testi-	Apr.
ris).	·	("elevator") strike. New York, N. Y.			mony of Sam Cohen.	Sa
	Bergoff (sic)	Remington Rand, Inc.,	Recognition	May 21-Nov. 20, 1936.	Pt. 1, pp. 142-143,	U.
		Middletown, Conn.	and wages.		testimony of Sam Cohen.	(p 29
	Railway Audit & Inspec-	The Borden Dairy Prod-	(1)		Pt. 1, p. 146, testi-	Apr.
	tion Co., Inc.	ucts, New York, N. Y.			mony of Sam Cohen.	as A
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formatory (pt. 1, exhibits 114-115, pp. 295-296).
far. 22, 1919, in New York City as Sam Cohen; grand larceny;

Mar. 26, 1919, discharged (pt. 1, exhibits 114-115, pp. 295-296). Apr. 8, 1920, in New York City, as Sam Cohen; violating Federal law (conspiracy); 18 months in U. S. Penitentiary, Atlanta, Ga. (pt. 1, exhibits 114-115, pp. 295-

pr. 17, 1923, in New York City, as Sam Cohen; grand larceny; Apr. 19, 1923, discharged (pt. 1, exhibits 114-115, pp. 295-296).

Dec. 11, 1923, in New York City, as Samuel Cohen; grand larceny; May 1, 1925, 3 years and 6 months State's prison (execution stayed) (ot. 1, exhibits 114-115, pp. 295-296).

Jan. 23, 1924, in New York City, as Samuel Cohen; fugitive (Philadelphia, Pa.); Jan. 28, 1924, discharged (pt. 1, exhibits 114-115, pp. 295-296).

Aug. 6, 1924, in Mount Vernon, N. Y., as Samuel Cohen; burglary: Dec. 5, 1924, 4 years, State's prison (pt. 1, exhibits 114-115, pp. 295-296).

July 9, 1927, in New York City, as Sam Cohen; grand larceny; Sept. 223, 1927, sentence suspended (final charge, petit larceny) (pt. 41, exhibits 114-115; pp. 295-296). Jan. 14, 1928, in New York City, 18 Samuel Cohen; burglary; Jan. 20, 1928, discharged (pt. 1, exbibits 114-115; pp. 295-296).

Jan. 20, 1928, in New York City, as Samuel Cohen; violating parole; delivered to parole commission (pt. 1, exhibits 114-115, pp. 295-296).

May 3, 1928, in New York City, as Sam Cohen; grand larceny; June 7, 1929, bail discharged (pt. 1, exhibits 114-115; pp. 295-296).

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Cohen, Sam (alias "Chowderhead" alias Charles Harris: alias Charles Gold- berg; alias "Big Sammy" Cohen; alias Sam uel Louis Cohen; alias Sam Har- ris).	Railway Audit & Inspection Co., Inc.	The Borden Dairy Products, New York, N. Y.	Recognition and wages.	May 21-Nov. 20, 1936.	Pt. 1. p. 146, testimony of Sam Cohen.	May 20, 1930, in Bronx, N. Y., as Charles Harris; impersonating a Federal officer and attempting extortion; Sept. 28, 1930, dismissed (3 indictments) (pt. I, exhibits 114-115, pp. 295-296)  Nov. 20, 1932, in New York City, as Sam Goldberg, alias "Chowderhead"; violating section 220 United States Criminal Code (pt. I, exhibits 114-115, pp. 295-296).  At present under an indeterminate sentence up to 3 years for defrauding the Emergency Relief Bureau, New York City, of \$700 (pt. 15-A, exhibit 1766, p.
Daley, Joseph. (See Williams, C. N.) Davenport, J. P	Railway Audit & Inspection Co., Inc. (Pennsylvania Industrial Service Co.).	Active in Thomasville, Ga.; Spindale and Forest City, N. C.: Knoxville, Tenn.; and Rome, Ga. West Point Manufacturing Co., Lanett, Ala.		December 1934-December 1935. Sept. 6-Oct. 2, 1934	Pt. 15-A, exhibit 1766, p. 5336.  Pt. 7 pp. 2491, 2695, and exhibit 902-G, p.	5334).
De Fisher, Jack (see Fisher, Jack). Dempsey, Frank	Railway Audit & Inspection Co., Inc. (Chicago).	H. C. Frick Coke Co., Uniontown Fayette County, Pa. Gulflongshoremen's strike, Lake Charles, La.	Recognition and wages.	August 1933 Oct. 17-25, 1935	Preliminary hearings on S. Res. 266, p. 150. Pt. 15-A, exhibit 1766, p. 5337; pt. 15-D, exhibits 3595-3596, pp. 7012-7013.	

	National Corporation Service (Allied Corporation Service.¹)	Columbus Railway Power & Light Co., Co- lumbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185 p. 346 (listed as Fr. P. Demp-	
∑ Epstein, Benjar	nin Railway Audit & Inspec- tion Co., Inc. 12	Kelvinator Corporation, Long Island City, N. Y.		1934	1 0027	June 28, 1933, Brooklyn, N. Y.; violating New York Laws 1938,
Rept. 6, 76	·	Eagle Pencil Co., Inc. New York, N. Y.	Recognition and wages.	June 16-Aug. 8, 1938	Appendix D, p. 200, and p. 133.	strikebreaking and detective agencies; was providing strike-
Farley, Val. R	tion Co., Inc. (Pennsylvania Industrial Service Co.).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.	]		ings on S. Res. 266, p. 150.	guards at Eagle Pencil Co., Inc., strike. (Appendix D, p. 200.)
	do	, , , , , , , , , , , , , , , , , , , ,	and wages.	October 1933	1766, p. 5338.	
Fisher, Jack (") Em Up"); a Jack De Fish alias John Jan	10r, 108.	Uniontown, Fayette County, Pa.		August 1933	ings on S. Res. 266, p. 150; pt. 15-A, exhibit 1766, p. 5339, pt.	15-A, exhibit 1766, p. 5339.) Feb. 13, 1931, in New York City; grand larceny; no disposition in-
	do	York, N. Y.	hours.	Oct. 24-Nov. 8, 1934	1766, p. 5339.	Aug. 15, 1932, in Rochester, N. Y.;
	Bergoff [sic]	Inc., Indianapolis, Ind. Remington Rand, Inc., Middletown, Conn. Unknown	Recognition and wages.	Nov. 15, 1935	do	pended sentence. (See pt. 15-A, exhibit 1766, p. 5339.) July 2, 1935, in Rochester N. Y.; violation of 887 Penal Code: no
	Washer Detective Agency	do			Pt. 1, p. 148 (testimony of Jack Fisher).	disposition indicated. (See pt. 15-A, exhibit 1766. p. 5339.) July 2, 1935, in Batavia, N. Y.; rape, first degree: reduced to se-
						sault, third degree; no disposi- tion indicated. (See pt. 15-A, exhibit 1766, p. 5339.) Jan. 21, 1936, in Cleveland, Ohio;
						auto stealing; no disposition indicated. (See pt. 15-A, exhibit 1766. p. 5339.)  Jan. 21, 1936, in Shaker Heights,
See footnote	es at end of table.					Ohio; petit larceny; no disposi- tion indicated. (See pt. 15-A, exhibit 1766, p. 5339.)

Name	Ageucy	lop	Cause of strike	Date	Citation	Criminal and arrest record
Goldberg, Charles (see Cohen, Sam "Chowder- head").					,	
Golden, Ralph ("Goldie").	Foster's Industrial and Detective Bureau.	American Bridge Co., Jersey City, N. J.	(O	1931-32	Pt. 15-C, exhibit 2934, p. 6389.	Nov. 14, 1931, in Jersey City, N. J., as Raiph Golden; assault with attempt to kill; Nov. 27, 1931, held without bail for action of grand jury; Mar. 29, 1934, found not guilty (pt. 7, exhibit 789, p. 2384).
	Railway Audit & Inspection Co., Inc. (Pennsylvania Industrial Service).	Bush Terminal Co., New New York, N. Y.	Recognition, wages, and hours.	Oct. 24-Nov. 8, 1934	Pt. 15-A, exhibit 1766, p. 5340.	Nov. 16, 1931, in Jersey City, N. J., as Ralph Golden; carrying con- cealed weapons; Nov. 17, 1931,
	Railway Audit & Inspection Co., Inc.	Standard Steel Spring Co., Coraopolis, Pa.	Recognition and wages.	June 23-July 6, 1936	do	held without bail for action of grand jury; Mar. 29, 1934, found
	do	Bickfords, Inc., New York, N. Y.	Recognition	May 19-June 19, 1935		not guilty (pt. 7, exhibit 789, p. 2384).
	do	Cushmans Sons Inc., 11 New York, N. Y.	Recognition, wages, and hours.	Oct. 23, 1935-Jan. 25, 1936.	do	June 19, 1935, in New York City, as Ralph Golden; felonious as-
	do	Tastee Baking Co., 11 New York, N. Y.	nours.	do	do	
	àc	Remington Rand, Inc., Middletown, Conn.	Recognition and wages.	May 21-Nov. 20, 1936.	do	in Albany, N. Y., by police on an election fraud charge), (pt. 15-A, exhibit 1766, p. 5340).
Gordon, Joseph. (See' Brown, Joe.) Grosky, Joseph, (See Brown, Joe.)	)		; ,, <b>28</b> 001			Cambro 1700, p. 0010/-
Hamilton, James	do	General Material Co., St.		June 1932	Pt. 15-A. exhibit	i i
	do	Louis, Mo. Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 17-22, 1935	3595-3596, pp. 7012-7013 (listed	
Harper, William	Foster's Industrial and Detective Bureau.	American Bridge Co., Jersey City, N. J.	(7)	1931-32	as J. Hamilton). Pt. 1, p. 139, testimony of William Harper; pt. 15- A, exhibit 1766.	June 28, 1938, Brooklyn, N. Y., violating New York Laws, 1938, ch. 349 Sect. 1 et seq., so-called "Goldberg" Act, regulating
	Railway Audit & Inspection Co., Inc.	Bickfords, Inc., New York, N. Y.	Recognition	May 19-June 19, 1935	p. 5342; pt. 15-C, exhibit 2934, p. 6389. Pt. 1, p. 140; pt. 15-A, exhibit 1766, p. 5342.	strikebreaking and detective agencies: was providing strike guards for Eagle Pencil Co., Inc., strike. (Appendix D, p. 200.)

W: 01 1	"Weasel Benny" Epstein	Eagle Pencil Co., Inc., New York, N. Y.	Recognition and wages.	June 16-Aug. 8, 1938	See p. 133 and p. 200.	1
Harris, Charles, and Harris, Sam. (See Cohen, Sam						
"Chowderhead.") Hook, Maurice (alias Morris Hook).		Taxicab strike, Pittsburgh, Pa.		February 1932	Pt. 1, exhibit 181, pp. 339-340.	Feb. 18, 1932, in Pittsburgh, Pa., as Maurice Hook; suspicious per- son; discharged Feb. 20, 1932.
•						(Pt. 1, exhibit 181, pp. 339-340; also see pt. 15-A, exhibit 1766, p. 5345.)
	do	General Material Co., St. Louis, Mo.		June 1932	Pt. 15-A, exhibit 1766, p. 5345.	June 7, 1932, in St. Louis, Mo., as Maurice Hook; arrested for as- sault with intent to kill; no disposition noted. (Pt. 1, exhibit 181, pp. 339-340; also see pt. 15-A,
Hook, Morris, (See Hook, Mau-						exhibit 1766; p. 5345.)
rice). Jackson, Whiten (alias, Jacovini, Frank).	Railway Audit & Inspection Co., Inc. (Chicago).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary hear- ings on S. Res. 266, p. 150 (listed	Nov. 21, 1924, in Philadelphia, Pa.; assault and battery and aggra- vated assault and battery to
;	•				as Whitey Jack- son).	ravish and rape; guilty, sentence suspended; probation for 3 years. (See preliminary hearings on S.
James, John. (See Fisher, Jack.)	Mickey Martel and the Wm. J. Burns Inter- national Detective Agen- cy, Inc.	Pioneer Paper Stock Co., Philadelphia, Pa.	Recognition, wages, and hours.	Feb. 10-29, 1936	Preliminary hearings on S. Res. 266, p. 169.	Res. 266, p. 169.)
Johnson, Harry	Railway Audit & Inspection Co., Inc.	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several	Pt. 1, p. 158; pt. 15-A, exhibit 1766, p. 5346.	
	do	H. C. Frick Coke Co., Uniontown, Fayette		months after. August 1933	Preliminary hear- ings on S. Res.	
Kohn, Joseph. (See Pullman,		County, Pa.		1	266, p. 150.	
Joe.) Kudish, Herman. (See (Stern William.						
Sas footnates at	and .44.61.					

Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Lafferty, John	Foster's Industrial and De- tective Bureau.	American Bridge Co., Jersey City, N. J.	ტ	1931-32	Pt. 15-C, exhibit 2934, p. 6389 (listed as J. W.	
	Railway Audit & Inspec- tion Co., Inc.	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Lafferty). Preliminary hearings on S. Res. 266, p. 150.	
Lamb, Albert (Al)_	do	Rieck-McJunkin Dairy, Co., Pittsburgh, Pa.	Recognition. wages and hours.	Apr. 27-May 1, 1935	Pt. 15-A, exhibit 1766, p. 5348.	
	do	Cushman Sons, Inc., New York, N. Y.11	do	Oct. 23, 1935-Jan. 25, 1936.	Pt. 15-A, exhibits 1633-1634, pp. 5233-5234; ex- hibit 1766, p. 5348.	
Long Ion	do	Purities Bakeries Corpora- tion, Brooklyn, N. Y. <sup>11</sup> General Material Co., St.	do	June 1932	do	
Long, Joseph	do	Louis, Mo. Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.		Pt. 15-A, exhibit 1766, p. 5348. Pt. 15-D, exhibits 3595-3596, pp.	
McDaniels, Lee (alias Leo Mc- Daniels).	do	General Material Co., St. Louis, Mo.		June 1932	7012-7013. Pt. 1, exhibit 181, p. 335, pt. 15-A, exhibit 1766, p. 5350.	June 7, 1932, St. Louis, Mo., arrested for assault with intent to kill; (pt. 1, exhibit 181, pp. 333 ff.; pt. 15-A, exhibit 1768, p 5350).
	do	Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 16-25, 1935	3595-3596, pp.	
Maze, Oscar (Slim).	do	General Material Co., St. Louis, Mo.	<b></b>	June 1932	7012-7013. Pt · 15-A, exhibit 1766, p. 5349.	
Novack, William	do	Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 17-22, 1935	Pt. 15-D, exhibits 3595, 3596, pp.	
George. (See Williams, C. N.)					7012-7013.	

O'Brien, Jack	Foster's Industrial and De- tective Bureau.	American Bridge Co., Jersey City, N. J.	Ø	1931-32	Pt. 15-C, exhibit 2734, p. 6390.	
	Railway Audit & Inspection Co. (Philadelphia).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary hear- ings on S. Res. 2665, p. 150.	
O'Keefe, Jack. (See Boyer, J. C.) Pullman, Joe (alias Joseph Cohen, alias Joseph Kohn).	Railway Audit & Inspec- tion, Co., Inc.	General Material Co., St. Louis, Mo.		June 1932	Pt. 1, exhibit 181, pp. 333 ff; pt. 15-A, exhibit 1766, p. 5354.	June 7, 1932, in St. Louis, Mo.; arrested for assault with intent to kill; disposition of this charge not noted (pt. 1, exhibit 181; pp. 333 ff.; pt. 15-A, exhibit 1766.
	Railway Audit & Inspec- tion Co., Inc. (Chicago).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary hearings, on S. Res. 206, p. 150, pt. 15-a, exhibit	р. 5350).
	National Corporation Service (Allied Corporation Service).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	1766, p. 5354. Pt. 1, exhibit 185, p. 347.	
Schwartz, Harry.	Railway Audit & Inspec- tion Co., Inc.	Remington Rand, Inc., Tonowanda, N. Y.	Recognition and wages.	May 21-Nov. 20, 1936	Pt. 15-A, exhibit 1766, p. 5354.	
(See Black Harry.)	TO 11 A - 31A & T 4	Dark Manual Co. No.			<b>-</b>	
Smith, Charles	Railway Audit & Inspection Co., Inc. (Pennsylvania Industrial Service).	Bush Terminal Co., New York, N. Y.	Recognition, wages, and hours.	Oct. 24-Nov. 8, 1934	Pt. 1, pp. 105-114 (testimony of Charles Smith); pt. 15-A, exhibit	
	do	Reick-McJunkin Dairy, Co., Pittsburgh, Pa.	do	Apr. 27-May 1, 1935	1766, p. 5358.	
	Railway Audit & Inspection Co., inc.	Building-service em- ployees; "elevator" strike, New York, N. Y.	Wage increase	Mar. 1-15, 1936	do	•
	do	Taystee Bread Co., New York, N. Y.11	Recognition, wages, and hours.	Oct. 23, 1935-Jan. 25, 1936.	Pt. 15-A, exhibit 1633, p. 5233 (testimony of A. Lemb).	V
Smith, Henry. (See Stern.	,				A. Lano).	
(William.) Smith, John. (Seej Brown, Joe.)	,			·		
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Name	Agency	Job	Cause of strike	Date	Citation	Criminal and arrest record
Spain, Joe	Railway Audit & Inspection Co., Inc.	Taxicab strike, Pittsburgh, Pa.		February 1932	Pt. 1, exhibit 181, pp. 339-340.	Feb. 16, 1932, in taxicab strike, Pittsburgh, Pa.; throwing bricks through windows and trying to incite a riot; discharged on Feb. 20, 1932 (pt. 1, exhibit 181, pp.
	Railway Audit & Inspection Co., Inc. (New York).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary bear- ings 150.	339-340).
Stern, William ("Kid" Stern, alias Herman Kudish, alias Henry Smith).	Railway Audit & Inspection Co., Inc.	Bickfords, Inc., New York, N. Y.	Recognition	May 19-June 19, 1935_	Pt. 15-A, exhibit 1766, p. 5360.	Sept. 6, 1911, in New York City, sentenced to 3 months' imprison- ment on conviction of petit larceny (pt. 15-A, exhibit 1766,
	do	Cushman Sons, Inc., New York, N. Y. <sup>11</sup> (Purities Bakeries Corporation, Brooklyn, N. Y.) <sup>11</sup>	Recognition, wages, and hours.	Oct. 23, 1935-Jan. 25, 1936.	do	p. 5360).  Dec. 31, 1914, in Boston, Mass., as Henry Smith; sentenced to 3 months in House of Correction on conviction of a charge of lewd and lascivious cohabition (pt. 15-A, exhibit 1766, p. 5360).  In New York, as William Stern; sentenced to 10 to 20 years in Sing Sing on conviction of a charge of homicide; reversed by the Court of Appeals, and a new trial ordered; indictment dismissed in 1926 (pt. 15-A, exhibit 1766, p. 5360).
Stone, Jack	do	Purities Bakeries Corpora- tion, Brooklyn, N. Y. <sup>11</sup>	do	Oct. 23, 1935-Jan. 25, 1936.	Pt. 1, exhibit 1633, p. 5233 (affi- davit of A. Lamb); pt. 15-A, exhibit	
Thompson. (See	do	Cushman Sons, Inc., New York, N. Y. <sup>11</sup>	do	do	1766, p. 5360.	
Black, Harry.)	.					

Thompson, Jack	do	General Material Co., St. Louis, Mo.		June 1932	Pt. 15-A, exhibit 1766, p. 5361.	June 7, 1932, in St. Louis, Mo.; arrested for assault with intent to kill, (pt. 1, exhibit 181, p. 335).  Also wanted in Spencer, Iowa, nonsupport; also wanted in Ozark, Mo., forgery (pt. 1, exhibit 181, p. 336).
	National Corporation Service (Allied Corporation Service. <sup>2</sup> )	Johnson Bronze Co., New Castle, Pa.	Recognition	May 28-June 5, 1934	Pt. 1, exhibit 186, p. 357; pt. 15-A, exhibit 1831, p. 5445 (listed as Thompson, J.).	Ozark, Mo., forgery (pt. 1, ex- hibit 181, p. 336).
Toohey or Touey, Harry; or Toewe,	Railway Audit & Inspection Co., Inc. (Pittsburgh, Pa.)	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary hear- ings, 150.	<b>.</b>
Нагту.	do	Taystee Baking Co., New York, N. Y. 11	Recognition, wages, and hours.	Oct. 23, 1935-Jan. 25, 1936.	Pt. 15-A, exhibit 1766, p. 5362.	Oğ.
	do	Gulf longshoremen's strike, Lake Charles, La.		Oct. 16-25, 1935	Pt. 15-D, exhibits 3595-3596, pp. 7012-7013.	Dec. 5, 1923, in Pittsburgh, Pa., as
Williams, C. W. (Whitey), or Williams, Charles;	Railway Audit & Inspec- tion Co., Inc.	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several months after.	Pt. 15-A, exhibit 1766, p. 5363.	Shennerd Allen: slies Charles
alias the "Boiler Maker"; alias Sheppard Allen;	do	General Material Co., St. Louis, Mo.		June 1932	Pt. 1, pp. 338-339	
alias William Cleary; alias William George	do	Follansbee Bros. Co., Follansbee, W. Va.	Wage increase	July 22-29, 1933 May 21-Nov. 20, 1936	1766, p. 5363.	Arhibit 181 np 338-339)
Novack; alias Joseph Daley.	do	Remington Rand, Inc., Tonawanda, N. Y. The Borden Dairy Prod-	Recognition and wages.	1935	do	Charles Williams; arrested for assault with intent to kill (pt. 1,
	do	ucts, New York, N. Y. <sup>1</sup> Gulf longshoremen's strike, Lake Charles, La.	Recognition and wages.	Oct. 16-25, 1935	Pt. 15-D, exhibits 3595-3596, pp. 7012-7013.	Oct. 12, 1914, in Chicago, Ill., as Joseph Daley; sentenced to 4 months in house of correction; fine \$1; robbery changed to lar- ceny (pt. 1, exhibit 181, p. 338).
•						tonwood Falls, Kans.; no charge given (pt. 1, exhibit 81, p. 336).  Charles Williams; wanted in
,					·	Appleton, Wis.; nonsupport. (pt. 1, exhibit 31, p. 336). Charles Williams; wanted at eighth district, St. Louis, Mo.; larceny of an auto. (pt. 1, exhibit
						181, p. 336).
See footnotes a	t end of table.				•	196

### IV. GROUP OF FIVE LEADING STRIKEBREAKERS

					•	
Name	Agent	Job .	Cause of strike	Date.	Citation	Criminal and arrest record
Cronk, Matthias B. "Whitey" (also spelled Kronk).	Railway Audit & Inspec- tion Co., Inc.	Cushman Sons, Inc., New York, N. Y. <sup>11</sup>	Recognition, wages and hours.	Oct. 23, 1935-Jan. 25, 1936.	Pt. 15-A, exhibit 1766, p. 5335.	
•	Cleveland Associated Indus- tries.	Ohio Rubber Co., "picnic strike" Willoughby, Ohio.4		August 1936	A ffl d a wit of Charles Adams; supplementary exhibits, hear-	
•					ings on Asso- ciated Indus- tries of Cleve- land, exhibit 5871.	
	Hired directly	Wheeling Steel Corpora- tion, Portsmouth, Ohio. Republic Steel Corpora-	Recognition and and wages. Refusal to sign	May 22-July 12, 1936 July 1937	7	
	do	tion, Massillon, Ohio. Republic Steel Corpora- tion, Cleveland, Ohio.	contract.	June 1937		·
McDade, E. J. <sup>14</sup>	Fields Agency (Jew Fields Agency).	Milk strike, Cleveland, Ohio.		1921	Pt. 1, p. 120, testimony of E. J. McDade; pt. 7, exhibit 910, p.	
	Shippey Hunt Detective Agency, Chicago, Ill.	Unknown		1921-26	2715. Pt. 7, exhibit 910, p. 2711; pt. 15-A, exhibit 1766, p. 5349.	
	Railway Audit & Inspec- tion Co., Inc.	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several months after.	Pt. 1, p. 122, testimony of E. J. McDade.	
	National Corporation Service (Allied Corporation Service 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination_	April-May 1934	Pt. 1, exhibit 185, p. 346.	·
	Railway Audit & Inspec- tion Co., Inc.	Reick-McJunkin Dairy Co., Pittsburgh, Pa.	Recognition, wages and hours.	Apr. 27-May 1, 1935	Pt. 1, pp. 117-119, testimony of E. J. McDade; pt. 7, exhibit 910, p. 2711; pt. 15-A, exhibit 1766, p. 5349.	
Į.	Bergoff Service Bureau	Milwaukee Electric Railway & Light Co. (also known as "streetcar strike"), Milwaukee, Wis.		July 1934	Pt. 1, pp. 125-130; pt. 7, exhibit 910, p. 2714.	

	National Metal Trades Association.	Columbian Stamping & Enamelling Co., Terre Haute, Ind.	Recognition	Mar. 25-Sept. 15, 1935.	Preliminary hearings on S. Res. 266, p. 130; pt. 3, exhibit 392, p. 1016.	
	Railway Audit & Inspec- tion Co., Inc.	Gulf longshoremen's strike, Lake Charles, La.	Recognition and and wages.	Oct. 18-22, 1935	Pt. 7, exhibit 910, p. 2712; pt. 15-D, exhibits 3595- 3596, pp. 7012- 7013.	
MacGuffin, E. E	do	New Orleans Public Service, Inc., New Orleans, La.		July 1-10, 1929 (period of violence); strike continued several months thereafter.	Pt. 1, p. 199; pt. 15-A, exhibit 1766, p. 5350.	
:	देश	Wheeling Steel Corpora- tion, Wheeling, W. Va.		1922	Pt. 1, p. 197	
	National Corporation Service (Allied Corporation Service 2, 13).			1930	Pt. 1, p. 196; pt. 2, p. 381.	
Manent, Robert (alias Mann). <sup>16</sup>	National Metal Trades Association.	Black & Decker Electric Co., Kent, Ohio.	Recognition and wages.	May 6-June 28, 1936	Pt. 3, p. 854; ex- hibit 392, p. 1016.	June 18, 1936, in Kent, Ohio; shooting at to wound; grand jury; \$1,500 bond (pt. 3, exhibit 399-JJ, p. 1032).
Mann (see Manent.	do	S. L. Allen Co., Inc., Philadelphia, Pa.	Wage increase	Jan. 13-Mar. 10, 1936	Preliminary hearings on S. Res. 266, p. 172.	
Robert).						
Pullman, E. (Chi)	Railway Audit & Inspec- tion Co., Inc., (Chicago).	H. C. Frick Coke Co., Uniontown, Fayette County, Pa.		August 1933	Preliminary hear- ings on S. Res. 266, p. 150.	Jan. 17, 1923, in Pittsburgh, Pa.; suspicious person; no disposition recorded.
	National Corporation Services (Allied Corporation Services 2).	Columbus Railway, Power & Light Co., Columbus, Ohio.	Discrimination	April-May 1934	Pt. 1, exhibit 185, p. 347.	Nov. 20, 1934, in Jersey City, N. J.; disorderly person; 90 days in the county penitentiary.
	Claveland Associated Indus- tries.	National Screw & Manu- facturing Co., Cleveland, Ohio.	Wage increase	February-May 1935	Pt. 22, exhibit 4259, p. 9475.	Feb. 18, 1935, in Jersey City, N. J.; carrying dangerous weapons.
	do	Addressograph-Multigraph Corporation, Cleveland, Ohio.	do	May 22-July 2, 1935	Pt. 22, p. 9398	

## V. THE PHILADELPHIA GROUP

Name	Agent	lop	Cause of strike	Date	Citation	Criminal and arrest record
Amoroso, James	Harry Stahl	Freihofer Baking Co., Philadelphia, Pa.	Discrimination	Mar. 25-Apr. 25, 1936.	Preliminary hearings on S. Res. 268, p. 171 (statement of M. Herbert Syme, assistant city solicitor, in charge of labor relations, Philadelphia, Pa.).	Mar. 27, 1936; Philadelphia, Pa. suspicious character; given hearing; held under \$500 bail to keeping; held under \$500 bail to keeping on S. Res. 266, p. 171, testimony of M. Herbert Syme, assistancity solicitor, in charge of laborelations, Philadelphia, Pa.).
		Building service employees  ("elevator") strike, New .  York, N. Y.	Wage increase	Mar. 1-15, 1936	do	·
Cieriglier, Vincent (alias Michael Richetti).	•	Freihofer Baking Co., Phil- adelphia, Pa.	Discrimination	Mar. 25-Apr. 25, 1936.		Do.
		Yellow cab strike, Philadelphia, Pa.			· ·	
De Donato, An-	Harry Stahl	Freihofer Baking Co., Philadelphia, Pa.	Discrimination	Mar. 25-Apr. 25, 1936.	do	Do.
va.023.	Ross	Cushman Sons, Inc., New York, N. Y. <sup>11</sup> hours.	Recognition, wages and hours.	Oct. 23, 1935-Jan. 25, 1936.	do	
Mariano, Thomas	Harry Stahl	Freihofer Baking Co., Phil- delphia, Pa.	Discrimination			
		Yellow can strike, Phila-			do	
Ochuida, Michael	Harry Stahl	delphia, Pa. Freihofer Baking Co., Phil- adelphia. Pa.		Mar. 25-Apr. 25, 1936.		
		Building service employees ("elevator") strike, New York, N. Y.	Wage increase	Mar. 1-15, 1936	do	
Richetti, Michael. (See Cieriglier, Vincent.)		1012,111.11				
Trovietta, Domi- nick.	Harry Stahl	Freihofer Baking Co., Philadelphia, Pa.	Discrimination_	Mar. 25-Apr. 25, 1936.	do	Do.
	Gus Sailes Detective Agency.	Edward G. Budd, Manufacturing Co., Philadelphia, Pa.				
		Building service employees ("elevator") strike, New York, N. Y.	Wage increase	Mar. 1-15, 1936	do	,

1 Threatened strike.

Incorporated in May 1934 to handle strikebreaking jobs for National Corporation Service, which organized and operated Allied Corporation Service. (See pt. 2, pp. 381-382.

and pt. 15-A, exhibit 1833, pp. 5450-5455.) At the time of the jobs listed his address seems to have been in Chicago. Later became office manager for National Metal Trades Association, New York City. Worked as street operative during the Johnson Bronze Co. strike.

4 No strike; but company expected one.

4. Name of company held in committee files.

All of these companies were billed for the missionary work of the operative concerned (pt. 15-A, exhibit 1833, p. 5444). For the Ashtabula Hide & Leather Co., Ashtabula Bow Socket Co., and the Aetna Rubber Co., the dates of the strikes are those revealed by information on file with the Bureau of Labor Statistics, U. S. Department of Labor. For the American Fork & Hoe Co., the date given is the inclusive date of the service rendered by National Corporation Service (the Bureau of Labor Statistics listed no pertinent strike data) (pt. 1, exhibit 184, p. 342).

sa All of these companies, with the exception of the Raser Tanning Co., were billed for the missionary work of the operative concerned (pt. 15-A, exhibit 1833, p. 5444). For the Ashtabula Hide & Leather Co., Ashtabula Bow Socket Co., and the Aetna Rubber Co., the dates of the strikes are those revealed by information on file with the Bureau of Labor Statistics, U. S. Department of Labor. For the American Fork & Hoe Co. and the Raser Tanning Co. the dates given are the inclusive dates of the service rendered by National Corporation Service. (The Bureau of Labor Statistics listed no pertinent strike data.) (Pt. 1, exhibit 184, p. 342.)

• Employed as strike lieutenant on this job.

7 This was not a strike; the construction work was picketed by members of the International Bridge, Structural, and Ornamental Iron Workers Union. (See pt. 7, pp. 2354ff.)

Threatened strike. (See pt. 22, testimony of Frank Marquard, pp. 9388-9389.)

Date of strike from files of Bureau of Labor Statistics, U. S. Department of Labor does not confirm to this citation.

10 Operated by Harry Black.

11 Cushmans Sons, Inc. and Taystee Baking Co. are controlled by Purities Bakeries Co. Strikes were called at the same time, both in the Cushmans Sons, Inc., New York City plant, the Taystee Baking Co., New York, City and the Purities Bakeries Corporation Brooklyn, N. Y. plant. Strikeguards were used interchangeably in all plants.

12 Dates and places of service taken from records of the Railway Audit & Inspection Co. recovered from the waste paper of its Atlanta office, and reconstructed. The companies

worked for were not identified.

14 Worked on a total of 13 jobs for the Railway Audit & Inspection Co., of which only a few are identified here. Pt. 7, exhibit 910, p. 2714; pt. 15-A, exhibit 1766, p. 5349.

18 E. E. MacGuffin organized and operated these agencies, of which he was president. He supervised many, if not all, of their strike jobs.

M Sent to Black & Decker strike to set up a commissary in the plant for the strike guards. Seems to have specialized in commissary work.

## APPENDIX D

(Excerpts from a letter from John J. Bennett, Jr., attorney general, State of New York, to David D. Lloyd, counsel, subcommittee of the Committee on Education and Labor under S. Res. 266, dated November 22, 1938.)

Dear Mr. LLOYD: In response to your letter of November 17th, wherein you request information concerning the Eagle Pencil Company matter, I am pleased to furnish you with the following information

to furnish you with the following information.

The men who were arrested are specified in the following schedule, which designates their names and addresses and the charges made by the State against

Name and Address	Charge Made by the State	Present Status
Benjamin Epetein, 1476 Broadway, New York City.	In charge of strike as assistant to employer; and exercising supervision and control over the guards, cars used for transporting employees and trucks for merchandise, and in general handling movements of scabs and merchandise through the picket lines.	Held on bail by City Magistrate for trial in Court of Special Sessions, New York County.
Max Hershkowitz, 42 Avenue D, New York Oity.	Assistant to Epstein	Do.
Dan or David Graver, 161 West 36th St., New York City.	Guard	Do.
William Harper, 406 West 57th St., New York City.	Assistant to Epstein	Do.
Michael Brown, 9406 32nd Avenue, Jackson Heights, L. I.	Guard	Do.
John McCrosson, 34-14 30th St., Astoria,	•	Do.
Joseph Brown, 131 Nagle Avenue, New York City.	do	Do.
Jack Sommer Sohns, 748 East 179th St., New York City.	do	Do.
Frank Merritt, 602 West 135th St., New York City.	Chauffeur and Guard	Do.
Sam Warner, 55 Pitt Street, New York City.	Operates auto renting agency and sup- plied cars and chausteurs for the pur- pose of conducting employees through the picket lines.	Do.

According to my investigation, all of these men, with the exception of Sam Warner, have been engaged in private detective and guard work in aiding the employers during strikes, for a long time. Epstein has furnished guards for strikes on numerous other occasions. He is known among strike breakers as "Weasel" Epstein. Max Hershkowitz, according to my information, is known as "The Hoosier", and has aided Epstein in many jobs. William Harper has been active for a long time in this kind of work, as has also Joseph Brown, who has been and still is operating for the Railway Audit and Inspection.

### [Copy]

# POLICE DEPARTMENT CITY OF NEW YORK

### PRISONER'S CRIMINAL RECORD

Number of Picture in Gallery B-27888

Name: Daniel Grever Alias: Joseph Martin, David Graver Criminal Record (as far as known)

2-2-12 as Daniel Grever, N. Y. C., Burglary, 3-14-12, Elmira Reformatory, Judge Rosalsky, General Session Ct. Detectives Allen and Brennan, D. B.

10-18-14 as Joseph Martin, N. Y. C., Grand Larceny, 11-23-14, Discharged, Grand Jury. Detectives Quinn and Shea, 1st. Branch Detectives.

12-24-15 as David Graver, N. Y. C., Petit Larceny, 12-29-15, Acquitted, Special Sessions Court. Detectives Dalton and Sheridan, D. B.
3-21-29 as David Graver, Manh., Violation National Prohibition Act, No disposition at present. Federal agents.

This certifies that Finger Impressions of the above-named defendant have been taken, and the above is a true copy of the records of this Department. RECORD MADE BY

John P. Jaughnan

Det. 1242 (Rank) (Shield No.)

BCI (Command)

JOSEPH J. DONOVAN, (Commanding Officer, Bureau of Criminal Identification.)

### APPENDIX E

#### AUTHORIZATION

A subcommittee of the Committee on Education and Labor was appointed by the chairman on June 6, 1936, under Senate Resolution 266, to investigate violations of the rights of free speech and assembly and undue interference with the right of labor to organize and bargain collectively.

The resolution is as follows:

### SENATE RESOLUTION 266

Resolved, That the Committee on Education and Labor is authorized and directed to make an investigation of violations of the right of free speech and assembly and undue interference with the right of labor to organize and bargain collectively. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendation for the enactment of any remedial legislation it may deem necessary.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fourth and succeeding Congresses; to employ and to call upon the executive departments for clerical and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers and documents; to administer such cather to take such testimons. books, papers and documents; to administer such oaths; to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$15,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

A resolution providing further funds, Senate Resolution 70, was passed on February 19, 1937. The resolution is as follows:

### SENATE RESOLUTION 70

Resolved, That the limit of expenditures under S. Res. 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, is hereby increased by \$40,000.

Senate Resolution 154, appropriating additional funds, was agreed on August 12, 1937. This resolution reads: to on August 12, 1937.

### SENATE RESOLUTION 154

Resolved, That the limit of expenditures under S. Res. 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, and under S. Res. 70, Seventyfifth Congress, first session, agreed to February 19, 1937, to investigate violations

# 202 VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively is hereby increased by \$35,000.

On May 18, 1938, Senate Resolution 266, appropriating an additional \$60,000 was agreed to. This resolution reads:

### SENATE RESOLUTION 266

Resolved, That the limit of expenditures under S. Res. 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, and under S. Res. 70, Seventy-fifth Congress, first session, agreed to February 19, 1937, and under S. Res. 154, Seventy-fifth Congress, first session, agreed to August 12, 1937, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively is hereby increased by \$60,000.

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# VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

## REPORT

OF THE

## COMMITTEE ON EDUCATION AND LABOR

PURSUANT TO

S. Res. 266 (74th Congress)

A RESOLUTION TO INVESTIGATE VIOLATIONS OF THE RIGHT OF FREE SPEECH AND ASSEMBLY AND INTERFERENCE WITH THE RIGHT OF LABOR TO ORGANIZE AND BAR-GAIN COLLECTIVELY



### PRIVATE POLICE SYSTEMS

HARLAN COUNTY, KY.
REPUBLIC STEEL CORPORATION

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## VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

FEBRUARY 13 1939.—Ordered to be printed, with illustrations

Mr. LA FOLLETTE, from the Committee on Education and Labor, submitted the following

### REPORT

### ON PRIVATE POLICE SYSTEMS

[Pursuant to S. Res. 266, 74th Cong.]

### Introduction

This committee has already reported upon the extent and results of the employment of espionage and strikebreaking agencies by certain corporations. It was shown that these agencies were employed to carry out a policy based upon a refusal to bargain collectively with labor unions. The activities of these agencies, in opposition to existing Federal legislation, were directed toward the disruption and eradication of labor organizations. Further investigations by the committee have revealed that there is a tendency on the part of some large corporations to develop their own private police and espionage systems to achieve the same results obtainable through the employment of industrial detective and strikebreaking agencies. It is the purpose of this report to describe the infringement of civil liberties which results when the privately paid armed police forces and espionage systems of employers are used as instruments of labor policy to frustrate the efforts of workers to organize into unions of their own choice.

<sup>1 &</sup>quot;Industrial Espionage," S. Rept., No. 46, 75th Cong., 2d sess., pt. 3, and "Strikebreaking Services," S. Rept., No. 6, 76th Cong., 1st sess.

1 Testimony of Harry W. Anderson, labor relations director, General Motors Corporation, pt. 6, pp. 1871-1885. See also pt. 15-A, exhibits 2231 and 2234, pp. 5755-5757.

## CHAPTER I. PURPOSE AND SCOPE OF REPORT

#### SECTION 1. PRIVATE POLICE SYSTEMS AND CIVIL LIBERTIES

Company police systems have a long history, closely related to the geographical expansion and industrial development of the United States. In pioneer days, when local, State, and Territorial governments were still in the early stages of development, property owners undertook to protect their own domain, individually, or through hired hands. Private policing became necessary when police requirements of property owners to protect their property against thievery and vandalism exceeded the limits of coverage offered by the public police. Railroads, for instance, with large amounts of rolling stock and extensive properties and rights-of-way in open and unprotected country, had to develop their own police organizations because public police did not undertake the special service needed by them. Similarly, the protection of remote and extensive properties, such as those of mining and lumber enterprises, had to be furnished by the owners.

In carrying out even the essential functions of protecting life and property, a private police system is created to defend the interests of the employer, whether an individual or a corporation. Only incidentally does it exercise the nonpartisan functions of guardian of the law. Wherever private police expand their activities beyond the protection of life and property they act only as an instrumentality of private economic policy. Thereupon the differences between public and private

police systems become particularly significant.

Public police systems are established by law. They are paid from public treasuries and are expected to be responsive to the requirements of entire communities. They must perform their duties impartially, without regard to the economic, racial, or religious status or views of the individual members of the community. The final responsibility for the actions of public police systems rests in elected representatives who are accountable to the electorate. There are constitutional and statutory limitations against encroachments of public police upon the rights of citizens. There are remedies at law against the arbitrary exercise of police power in the courts of the United States and of the several States and, ultimately, at the polls.

Private police systems, on the other hand, are created to meet the economic needs and desires of private interests. They are paid from private funds and act as the agents and servitors of their employers, who occupy their positions by virtue of their ownership of property or as appointed agents of stockholders or owners. There is no final accountability and corrective for antisocial actions of private police except criminal proceedings in the courts or statutory limitations on their activities. Private police systems, therefore, cannot be viewed

as agencies of law and order.

When the armed forces of the employer are injected into the delicate relations of labor and management, the consequences seriously threaten the civil rights of citizens and the peace and safety of whole communities. Private police systems, whenever used as an instrument of labor-relations policy, constitute a menace to public peace,

whether they are invested with the police power of the State as deputies, whether they operate in a company town, or whether they act as agents of large corporations in duly incorporated, self-governing communities.

The right of labor to organize into unions without interference, coercion, and intimidation derives from the exercise of the rights of free speech, peaceable assembly, and freedom of the press enumerated in the Constitution of the United States. These rights were considered so precious at the time of the establishment of the Republic that they were protected against encroachments by the Federal Government in the Bill of Rights, and later against encroachments by the States, through the fourteenth amendment. State constitutions, too, usually guarantee the same fundamental rights of free Americans. Rights so essential that they are guaranteed against infringement by sovereign authority are not to be invaded or curtailed by any private power. Just as the right of an individual to join Masonic orders, the Knights of Columbus, boards of trade, or employers' associations is not questioned but assumed to be an exercise of the right of free communication and association, so the right of labor to organize into unions is merely an extension of the fundamental rights and privileges of free American citizens.

The use of private police as instruments of labor policy to repress union organization assumes that the exercise by the workers of their constitutional rights is in the nature of a conspiracy against the safety of the State or in violation of its laws. This assumption is not tenable in fact or in law, and seldom has it been openly advanced. On the contrary, the self-organization of workers for the purpose of collective bargaining is universally approved, even by employers' associations such as the National Association of Manufacturers. Indeed, the Federal Government has declared it to be a desirable national policy to guarantee the exercise of those rights. Furthermore, the exercise of constitutional rights by workers' groups as well as any other group is protected even against the encroachments of public police powers by judicial process.

It is also an indefensible position for private persons to assume that privately paid armed guards are entitled to usurp the province of public police power. No pretense of protecting the State against supposed dangers, or of preserving "law and order," or blatant assertion of a private economic interest can justify private usurpation of State authority.

The use of private police as an agency of labor policy must be viewed, therefore, primarily as an attempt to impose upon labor a selfish, private interest by means of private armies. As such it is a betrayal of expressed policies of employer groups, a frustration of national labor policy, and a violation of the rights of American citizens to exercise their civil liberties for their common welfare.

The utilization of organized forces of men, money, and munitions, by employers against employees to frustrate their attempt at self-organization results in violent struggle instead of peaceful negotiations between labor and management. And as violence breeds violence, the continual intimidation, by force, of self-respecting workers, proud of their herizage of freedom, is likely to rebound in the fury of the mob. Often the cleavage has been so wide and deep between these groups that armed struggle has resulted. Then not only are the civil and

statutory rights of workers threatened, but life and property are

endangered.

The subjugation of one group of citizens to the economic interest of another by the use of armed forces saps the very foundations of democracy. A constitutional, democratic society is based on equality before the law; on the freedom of the individual to achieve self-expression and improvement through individual action and collective endeavor; on free participation in the affairs of government; on equality of opportunity to pursue his own economic purposes without infringing upon the legally guaranteed rights of others. The utilization of privately paid armed forces to coerce and intimidate citizens in the pursuit of their legitimate interests is foreign to the spirit of free American society.

#### SECTION 2. PRIVATE POLICE SYSTEMS IN THE PAST

The use of private police systems to infringe upon the civil liberties of workers has a long and often bloodstained history. The methods used by private armed guards have been violent. The purposes have usually been to prevent the exercise of civil rights in the self-organization of employees into unions or to break strikes called either to enforce collective bargaining or to obtain better working conditions for union members.

In the past, company owned and controlled towns, implemented by systems of company-paid armed guards, have created conditions approximating industrial peonage. Governmental bodies, from time to time, have investigated such situations and have condemned unsparingly, not only the economic coercion exercised by employers in such towns but also the more direct physical coercion effected under such conditions by the police forces of employers. Early investigations reveal that the private company police system is a traditional element

in the pattern of employer domination in the company town.

A House committee, appointed under a resolution of February 2, 1888,¹ reported that in the Lehigh region of Pennsylvania the miners were generally forced to rent their houses from the employer, to buy their groceries from the company store, and to secure their medical attention from a company doctor.² Wherever they turned the employees found an agent of the company. The company was in a position to dominate its employees, since it could, first of all, refuse employment or terminate the employment of any employee. It could make employment contingent upon the rental of a company house and could evict any employee at its pleasure. It could enforce or deny access to the company store or company doctor. Often it held the further bondage of indebtedness which was readily engineered by arbitrary methods of fixing rates and payment. In the words of the House committee—

A more ingenious, effective, and devilish system for legally enslaving men cannot be devised. Its effects upon men, women, and children entitled to the protection of a humane government, but now powerless, is as inexorable as it is lamentable.<sup>3</sup>

The report of the United States Commission on Industrial Relations on the Colorado coal strike of 1913 placed the responsibility for

<sup>1</sup> Report of a Select Committee of the House of Representatives on Existing Labor Troubles, "Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-88," H. Rept. 4147, 50th Cong., 2d sess., p. i. <sup>2</sup> Ibid, pp. lxxviii-lxxxi. <sup>3</sup> Ibid, p. lxxxii.

the strike upon the autocratic policies of the coal-mine operators. The report stated, in part:

The Colorado strike was a revolt by whole communities against arbitrary economic, political and social domination by the Colorado Fuel and Iron Company and the smaller coal mining companies that followed in its lead.

Economic domination was achieved by the Colorado Fuel and Iron Co. and its followers through the ruthless suppression of unionism, accomplished by the use of the power of summary discharge, the blacklist, armed guards, and spies, and by the active aid of venal state, county and town officials, who placed the entire machinery of the law at the disposal of the companies in their persecution of organizers and union members.

After the system of political and economic absolutism had driven the miners to revolt, the owners not only obstinately refused to admit the possibility of any grievance, but at a time when they could have prevented a strike by merely granting a conference to the union officials, they chose instead to refuse a conference and in doing so made themselves responsible for the disasters and tragedy that followed.1

This report on the Colorado strike sets forth clearly the relation between the industrial absolutism that obtains as a result of the concentration of economic and political power in company towns and the suppression of labor's right to organize.

A company town is an autocracy within a democracy. It has no laws and no control save the interests of the company. As such, it is an offense against duly constituted authority. The past conduct of company police, in company towns, shows the evil effects which follow the usurpation of State authority by private business. Strike situations highlight this wrong, already existing. The United States Commission on Industrial Relations summarized, in its final report in 1916 the iniquities of the company town:

1. The conditions existing in typical industrial communities which are either wholly or in large part owned or controlled by a single corporation or individual employer, present every aspect of a state of feudalism except the recognition of specific duties on the part of the employer. The employees in such communities are dependent on a single corporation, or employer, for their livelihood. Furthermore, the employer in many cases controls the social and political life of such communities, either by the complete absorption of local political powers or by domination of the local authorities.

2. The fundamental rights of citizens in such communities are, as a general rule, seriously abridged if not actually denied. Among the rights most seriously violated are the right of free speech and assemblage and the right of public high-

In some cases, as for example in Colorado, employers in such communities have assumed to usurp the functions of the Federal Government itself in the issuance of money orders, and have not only denied employees access to the post office when located in their company stores but have opened and otherwise interfered with the mail directed to the employees.

Such feudalistic conditions tend to develop principally in connection with the private exploitation of natural resources, being most frequently found in mining camps, lumber camps (including turpentine camps), and large plantations. There are, however, striking examples even in the case of manufactures, as, for example, the textile towns and steel towns.

<sup>&</sup>lt;sup>1</sup> U. S. Commission on Industrial Relations, "Report on the Colorado Strike" (by George West), Washington, D. C., pp. 15-17.

<sup>1</sup> U. S. Commission on Industrial Relations, "Final Report and Testimony," 1916, 64th Cong., 1st sees., vol. I, pp. 78-79.

As late as 1934 company police were again found in the same characteristic relationship to the population of the company town. The Pennsylvania Commission on Special Policing in Industry said in its report to Governor Gifford Pinchot:

Most of the miners in Fayette County live in company towns, the houses and streets of which are owned by the companies. This ownership, combined with the company store, the company doctor and company policemen, create a curious feudal state. Even in times of peace, the company deputy patrolled the company towns as well as the plants.1

Company towns are not the only field for the use of private armed force as a means of economic domination. Private police were for a long time the labor-relations shock troops among the railroads. they have come to be used more and more frequently in the same

capacity by other types of large interstate corporations.

Often the private policemen of mining, transportation, and industrial corporations have been vested with the authority of the State by the device of deputization with unlimited commissions. So deputized, company-paid guards can operate as peace officers not only on company property but anywhere within the county or the State. guards can extend the military system of intimidation exercised in the company town to cover the public highways of an otherwise free and This has not been an unusual democratically governed territory. situation in the past. Deputy sheriffs, selected and paid by the company, have sometimes composed the personnel of private police systems.2

Some States even provided for private industrial police through legislative enactment. In 1865 the "railroad" police of Pennsylvania came into existence by statute. By this legislation, railroads were enabled to secure private police forces with full police powers. Men selected, equipped, and paid by the railroads, were commissioned by the Governor on application of the railroads. One commission empowered such men to exercise police power on railroad property and in the county in which the commission was recorded. In practice the employer was not liable to suits arising from false arrests. life of the commission was not limited by the statute nor was any

provision made for removal.

Similar powers to maintain private police, clothed with public authority, were extended to the coal and iron companies of Pennsylvania by a statute passed on April 11, 1866. The Coal and Iron Police Act provided, however, the the Governor could refuse a commission and could also revoke commissions at any time. Although amended in 1929, the essential provisions of the 1865 and 1866 legislation remained until they were repealed by the act of June 15, 1935.<sup>4</sup> Maryland enacted a similar statute in 1880.<sup>5</sup> In 1899, South Carolina enacted a statute providing for one bonded deputy sheriff for each industrial corporation making application.

Governmental investigations have repeatedly disclosed that whenever armed company guards have been used as means of dealing with

<sup>1</sup> Pennsylvania Commission on Special Policing in Industry, "Report to Governor Gifford Pinchot" (Dept. of Labor and Industry, Special Bulletin, No. 38, Harrisburg, Pa., 1934). p. 5.

1 U. S. Commission on Industrial Relations, final report, 1916, p. 96; Shailoo, J. P., "Private Police," Philadelphia, 1933, p. 2.

3 Act of Feb. 27, 1865, P. L. 225.

4 Pa. Laws (1935), 348.

5 Maryland Laws (1880), ch. 460, secs. 221-226, Bagby's Annotated Code (1924), vol. 1, art. 23, secs. 338-

<sup>343.</sup> South Carolina Laws (1899) Code (1932), vol. 2, secs. 3499-3503.

labor unions, the result has usually been to provoke violence and cause bloodshed. Whether the desire was to prevent organization of unions, to refuse collective bargaining, or to defeat a union which has struck in order to achieve recognition or some specific demand, the effect has been the same.

When the employees of the Gould railway system, who were members of the Knights of Labor, went on strike in March 1886, claiming that an existing contract was being violated by the company, the company endeavored to maintain operations through the use of strikebreakers, protected by guards. The company police force was augmented with "deputy marshals, policemen, detectives, sheriffs, and constables." This resulted in open violence, culminating in the tragedy of East St. Louis on April 9, 1886:

The Louisville and Nashville road had determined to run its trains in at all hazards, and for that purpose had at its service guards of a considerable force, consisting of deputy sheriffs and marshals. \* \* \* In the afternoon the company resolved to send a posse of deputies to clear the crossing. For this purpose nine men, armed with Winchester rifles and revolvers were selected.3

When resisted by the strikers—

one of the deputies raised his rifle, fired, and a man was seen to fall. Then showers of stones and pistol-shots from all directions began to rain upon the officers, who returned the fire with their guns and pistols, with deadly effect, into the crowd. The firing was kept up until the crossing was clear.

Six men and one woman were killed, and one seriously wounded by the deputies.4

The oft-repeated pattern of events characteristic of strikes for recognition and for betterment of workers' living conditions and the use of armed guards to defeat unions is well illustrated in the anthracite coal strike of 1887-88. In September 1887, the anthracite miners in the Lehigh Valley, organized under the Knights of Labor, struck against company-town conditions. The operators "scorned even to recognize or communicate with the delegates sent by the Knights of Labor to discuss a compromise." <sup>5</sup> Cirio Pardee, the largest operator in the locality, was asked about the cause of the strike in the Lehigh region by a House committee authorized to investigate the strike. His reply follows:

I suppose the cause of it was that the operators would have nothing to do with the Knights of Labor, and the leaders of the Amalgamated Union.

The House committee found that the conduct of the miners throughout the strike was exemplary. During the whole strike, the committee found, serious violence had occurred once, and then was incited by the company rather than by the men.7 The committee said:

It is a question in the minds of your Committee whether the Shenandoah 'riot' was not intentionally provoked by the company for the purpose of placing the strikers in the position of offenders, and thus influencing public opinion in favor of the company.

<sup>&</sup>quot;Investigation of Labor Troubles in Missouri, Arkansas, Kansas, Texas, and Illinois," H. Rept. 4174, 49th Cong., 2d sess., pp. i-xiv.

1 Ibid, p. xxii.

1 Ibid., p. xxii.

<sup>4</sup> Ibid.

<sup>4</sup> Select Committee of the House of Representatives on Existing Labor Troubles, "Labor Troubles in the Anthracite Regions of Pennsylvanir," 1887-88, 50th Cong., 2d sess., H. Rept. No. 4147, p. xii.

<sup>•</sup> Ibid, p. Lxxxiv.

Ibid, p. xeiv.

Ibid.

The committee's report characterized the conduct of company-paid police during the strike as follows:

they send armed thugs to Shenandoah who provoke a "riot"; they "grab" and handcuff men standing in the crowd, and when one escapes fire at him and then into the crowd, wounding five persons; they seize the offices of the justices of the peace, bar the doors, and without commitment hurry away two of their men charged with murder to another town, where straw bail is given; at night, when halted by the town police, they put cocked revolvers at their heads and make them "stand back."

The next day, under the pretext of protecting men "who got out of sight," they march into the town and into the heart of the crowd; they jump out of ranks and "grab" the mayor's special posse; they retreat a quarter of a mile, and then fire upon the hooting crowd; they bring 150 hired men to the place, part of them under the guise of a sheriff's posse, arm them with Winchesters, and establish a permanent comp in a relivent train. nent camp in a railway-train. And they do all this, under the pretext of law, in gross violation of the law. As one party to a contest, they usurp the judicial and police functions of the State to punish the other party and to rescue their own criminals from "the clutches of the law." 1

The private police forces of the coal operators, created under Pennsylvania's industrial police act, crowded the strike towns. The general effect of such police was described by the House committee:

These aggressive policemen tend to overawe not only the local civil police, but the people themselves. All these police are likewise made detectives by statute, and while exercising the latter office they are not required to wear their badge or metallic shield, which serves more or less to destroy all confidence in social intercourse among the population of the mining regions who are harried on every side by spies and informers, which latter instantly may become clubbing policemen.<sup>2</sup>

These private armed guards assumed the functions of public authority to implement a private interest that persisted in its refusal to bargain with a union and was motivated by a desire to defeat a strike. The House committee criticized this unwarranted usurpation of public authority by private companies:

The power to enforce law is alone vested in the State, and can alone be exercised under its authority by the sheriff or minor civil officers. In this case the company, having a few of its alleged police commissioned by the governor, hires what other men it pleases, over whom the governor has no check. They are neither duly appointed nor sworn, and have no more authority than any other private citizen to fire on private citizens.3

The anthracite coal-strike of 1902 in Pennsylvania was in the same way the result of antiunionism on the part of the coal-mine operators. The Anthracite Coal Strike Commission said:

The cause lies deeper than the occasion, and is to be found in the desire for the recognition by the operators of the miners' union.4

As in the 1887 strike, the provocative conduct of the "coal and iron policemen" employed by the coal mine operators drew the criticism of the investigating commission:

The Commission thinks that the practice of employing deputies, upon the request and at the expense of employers, instead of throwing the whole responsibility of preserving peace and protecting property upon the county and State officers, is one of doubtful wisdom, and perhaps tends to invite conflicts between such officers and idle men, rather than to avert them. Peace and order should be maintained at any cost, but should be maintained by regularly appointed and

i Select Committee of the House of Representatives on Existing Labor Troubles, "Labor Troubles in the Anthracite Regions of Pennsylvania," 1887-88, 50th Cong., 2d sess., H. Rept. No. 4147, p. xcix.

lbid, p. ix.
lbid, p. ix.
lbid, p. x., p. xcviii.
Anthracite Coal Strike Commission, "Report to the Preisdent on the Anthracite Coal Strike of May-October 1902," 58th Cong., special sess., S. Doc. No. 6, p. 31.

responsible officers and deputies, at the expense of the public and reenforced as strongly as may be necessary by public authorities, rather than by guards hired by corporations or individuals. The fact that deputies are, to all intents and purposes the employees of one of the parties, usually works injury to the cause in

which they are engaged—that of preserving peace and protecting property.

The employment of what are known as "coal and iron policemen", by the coalmining companies, while a necessity as things are, militates against the very pur-

pose for which they are employed.1

The same pattern of events has been repeated time and again suppression of unions, refusal to deal with them, strikes, and the use of private armies to break the strike and the union. In 1910, the coal miners of Westmoreland County, Pa., were on strike because, as in 1902, the mine operators refused to consider the union demands or to recognize the union in any way.

The Bureau of Labor reports states they were determined—

to maintain their control of mining conditions and to stamp out the movements to establish the union in Westmoreland County, as they had suppressed similar movements before.

During the strike three types of private police were employed by the companies—coal and iron police, deputy sheriffs, and deputy constables.3 Most of the coal and iron police were the regularly employed officers of the company, their standing army. The police contributed much of the violence that occurred during the strike. They were mainly used to "protect" the strikebreakers whom the companies imported and the private property of the companies, which was posted as soon as the strike began. The company police went beyond the property limits of the companies, however, arresting and shooting strikers on public highways. The strike was broken by these brutal methods. After the strike the operators blacklisted all the leading strikers and announced that they would employ no "labor agitators."

In 1911 company guards achieved notoriety as strong-arm arbiters of labor relations in a railroad strike. The employees of the Harriman system amalgamated their craft locals into a system-wide federation for bargaining purposes. The company refused to recognize this federation as the bargaining agent of the employees, preferring to deal with the weaker craft locals individually. The union federation then called a strike at the end of September 1911. The company made extensive preparations to meet the strike before it was called. It hired strikebreakers and built stockades around the larger shops to protect the strikebreakers from the possible resentment of the workers.

By the end of the strike, 1,200 police or guards were being employed by the Harriman system as a whole. These guards, mostly hired for the period of the strike, were armed by the company.8 They were characterized as "gunmen" during hearings concerning the strike held by the United States Commission on Industrial Relations.

Anthracite Coal Strike Commission, "Report to the President on the Anthracite Coal Strike of May-October 1902," 58th Cong., special sess., S. Doc. No. 6, p. 83.

J. U. S. Bureau of Labor, "Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa., in 1916-11," H. Doc. No. 847, 62d Cong., 2d sess., p. 10.

Jibid., p. 15.

Jibid., p. 15.

Jibid., p. 18.

U. S. Commission on Industrial Relations, final report, 1916, vol. X, p. 9905.

Jibid., p. 9730.

Jibid., p. 9731.

communities these police were deputized, some of their remuneration

being paid by the company, some by the city or county.1

The area affected by the strike stretched over five States—California, Oregon, Nevada, Utah, and Washington. In each of the States the railroad police were responsible for violence. In Bakersfield, Calif., three gunmen assaulted two pickets, badly wounding one, and, on another occasion, a band of five railroad police killed a striker. In Mojave, Calif., there were several fights, and one striker was killed These incidents were repeated in other localities. by railroad police. According to one investigation, a total of 61 deaths resulted from the operations of railroad police in the western districts during the Southern Pacific Railroad strike.2

The use of guards to suppress unionization and to defeat a strike appeared again in the 1912-13 Paint Creek district coal-mining strike in West Virginia. The nonrecognition policy of the operators, the miners' discontent occasioned by conditions in the company towns, and the brutality of the company guards were cited by the Senate committee investigating the Paint Creek strike as the main causes.3 The conclusions of the Senate committee were supported by the West Virginia Mining Investigation Committee which, reporting to Governor Glasscock on the Paint Creek district strike, criticized private police of the coal operators as follows:

Many crimes and outrages laid to their company police charge were found, upon careful sifting, to have had no foundation in fact; but the denial of the right of peaceable assembly and freedom of speech, many and grievous assaults on unarmed miners, show that their main purpose was to overawe the miners and their adherents and, if necessary, beat and cudgel them into submission. We find that the system employed was vicious, strife promoting, and un-American.4

The company town-company police configuration was revealed by the United States Commission on Industrial Relations as the principal factor in crushing the Colorado coal strike of 1913.5 The police system of the Colorado Fuel & Iron Co. was listed in the Commission's report as one of the causes of the strike. Increase of the company police force was begun several weeks before the strike was called.6 During the strike it became even more deeply feared and hated by the workers. The activity of partisan police during the strike resulted in some of the most tragic and outrageous events in American industrial history. It is noteworthy that, in addition to the locally recruited strikeguards, the Colorado operators employed men from the Baldwin-Felts Detective Agency, of West Virginia, which had just made a record of unexampled brutality in the West Virginia coal strike.7

The United States Coal Commission, created by an act of Congress approved September 22, 1922, investigated conditions in the coal

<sup>1</sup> U. S. Commission on Industrial Relations, final report, 1916, vol. X, p. 10059.

† Ibid., pp. 10048-10066.

† "Investigation of Paint Creek Coal Fields of W. Va.," subcommittee of the Committee on Education and Labor under S. Res. 37, 63d Cong., 2d sess., S. Rept. No. 321, p. 5.

† Report of West Virginia Mining Investigation Commission to Governor Glasscock, Charleston, W. Va., 1012 p. 2

<sup>1912,</sup> p. 2. • U. S. Commission on Industrial Relations, "Report on the Colorado Strike" (by George P. West),

Washington, D. C.

Ibid., p. 101.
 Report on the Colorado strike investigation made under H. Res. 387, 63d Cong., 3d sess., H. Doc. No. 1630, pp. 5 and 6.

industry. Its report shows that in the coal fields the abuses of police power and the suppression of civil liberties disclosed in the House investigation of the 1887 strike still existed in 1925:

\* \* In Logan County the sheriff has nine regular deputies and many others who are stationed at the mines. Many of these are stable bosses, paymasters, and office guards, sanitary officers, etc. One of their special duties is to keep a sharp lookout for union organizers, and to devise ways and means to discourage them from remaining longer than the next train. The steep mountain sides converge at the banks of the Guyan River and a railroad bed has been cut out of the side of the mountain. There is here and there an impassable road, but, generally speaking, all the ground except the bed of the creek is privately owned, and a union organizer can scarcely move off the station grounds without becoming, technically, at least, a trespasser. Once his business is discovered, it is the duty of the deputy sheriffs to prevent his activity by ejecting him from privately owned property. Actually, without the consent of the operators, a union organizer can do little more than ride on a train and look out of the windows. The operators' associations do not dehy that it is their determination to keep out organizers, or "agitators," as they call them. They assert that their right to exclude objectionable persons from their mine property is as clear as the right of a manufacturer in Chicago or a home owner in Washington to exclude undesirable persons from their premises. Whatever may be the legal phase, it is undoubtedly a fact that under present conditions Logan County, as well as Mingo and McDowell Counties, W. Va., are now closed to representatives of the miners' union, especially if they engage in union activities.\(^1\)

There is almost universal agreement in the conclusions of governmental bodies that have investigated and studied company-police systems in the past, that they have been used as instruments of opposition to union organization of labor. In the company towns and in incorporated communities, where there is opposition to the principle of collective bargaining, the company-police system was used to abridge the constitutional rights of free speech and assembly and freedom of the press. In times of strike these private armies have often assumed the attitude of a State toward a foreign enemy at war, or the attitude of the public police toward criminals, shooting and killing union people in an effort to compel submission to the wishes of employers. In the face of such evidence, naturally, the attitude of investigating bodies in the past has been one of condemnation.

#### SECTION 3. THE SCOPE OF THE REPORT

Suppression of civil rights arising from the desire of some employers to maintain undivided control over industrial operations and their refusal to recognize the right of labor to exercise its constitutional privileges of free speech, peaceable assembly, and freedom of the press is not a past phase of industrial development. Whenever the same unbending, autocratic opposition to the right of workers to organize is maintained, there is the same belligerent and brutal employment of private police systems.

That these conditions do not recur in the railroad field is doubtless attributable to the fact that there the right of labor to organize and to bargain collectively has long been recognized and protected by legislation.<sup>2</sup> Since 1933 the exercise of civil rights in all industry affecting interstate commerce has been protected by Federal legislation, namely,

<sup>&</sup>lt;sup>1</sup> Report of U. S. Coal Commission, 68th Coug., 2d sess., S. Doc. No. 195, pt. 1, p. 173.

<sup>2</sup> Railway Labor Act of May 20, 1926, 44 Stat. 577, U. S. C., title 45, secs. 151-163.

section 7 (a) of the National Industrial Recovery Act and the National Labor Relations Act of 1935. These acts guaranteed to labor rights and privileges that other citizens have in other fields of endeavor but which, because of prolonged interference by employers, had to be protected by specific legislation. These enactments went beyond the mere recognition of civil rights only in two respects—the right of collective bargaining and the duty imposed on employers to recognize and deal with unions representing the majority of the workers. These two privileges accorded by these statutes are only a logical extension of the right of organization. They further the policy of achieving amicable agreements between two organized groups whose cooperation is essential to the effective functioning of the economic system.

Since 1933, however, the committee has found that in spite of the statutory guarantees provided in these acts, and in complete disregard of national labor policy, private police systems have been and are still employed to suppress the civil rights of labor. Not only have the conditions described in the preceding section continued to exist, but certain developments in the extension of control by large corpora-

tions have made the situation more critical.

It is well known that since 1900, and particularly during the postwar decade, there has been an increasing tendency of large industrial corporations to extend their control over wider economic spheres. This has been accomplished through the acquisition of plants and absorption of smaller companies in the same industry or in different industries, and by means of the spread of the conditions of absentee ownership and control into different communities located in several States. When such corporations employ their centralized hierarchy of private military systems as an instrument of economic policy, threatening civil liberties and labor's right to organize, then the situation is a matter of concern to the Federal Government.

The succeeding pages tell how far certain private police systems, utilized for the purpose of destroying labor organization, have interfered with civil liberties, inflicted bodily harm upon citizens, invaded union halls and union councils, infringed the privacy of the home. They will show that the elimination of the principal cause and motivation of these activities has brought comparative peace and amicable relations in communities that have long been turbulent with fights and feuds between workers and management. This transformation from continual persecution of workers to comparative safety is best exemplified by the changes in Harlan County, Ky., after the recognition, in 1938, of the United Mine Workers by the Harlan County Coal Operators' Association and the United States Coal & Coke Co., a subsidiary of the United States Steel-Corporation.

Collective bargaining prevailed in the coal fields of Harlan County under the protection of the Federal labor policy during the World War. Following the World War, the unions were disrupted. In substitution of collective bargaining, corporations ruled their workers in Harlan County through the ruthless use of armed guards. In order to prevent workers from organizing, the company towns were policed by large bodies of armed men, privately paid, many of them clothed with public authority as deputies. A large number of them were seasoned criminals who had been released from the State penitentiary where they

had been serving sentences for crimes involving homicides. These conditions lasted through the period of N. R. A. and the National Labor Relations Act up to very recent times. In 1932 a subcommittee of the Senate Committee on Manufactures held hearings on "conditions in coal fields of Harlan and Bell Counties, Ky." 2 A majority of the subcommittee reported that "a prima facie showing has been made of autocratic and other antisocial conditions and of violated legal and constitutional rights," and recommended further investigation.3 No action was taken on the resolution. In the spring of 1935, Governor Ruby Laffoon appointed a commission to investigate conditions in Harlan County. The members of the commission were Adjutant General Henry H. Denhardt, Rev. Adolphus Gilliam, Oran Caine, and Hugh H. Gregory. The commission filed a report in which it stated:

It is almost unbelievable that anywhere in a free and democratic Nation such as ours, conditions can be found as bad as they are in Harlan County. exists a virtual reign of terror, financed in general by a group of coal mine operators in collusion with certain public officials; the victims of this reign of terror are the coal miners and their families.

In Harlan County we found a monster-like reign of oppression, whose tentacles reached into the very foundation of the social structure and even into the church Free speech and the right of peaceable assemblage is scarcely of God of God. Free speech and the right of peaceable assemblage is scaledy tolerated. Those who attend meetings or voice any sentiment favorable to organized labor are promptly discharged and evicted from their homes. are beaten and mistreated in most unjust and un-American methods by some operators using certain so-called peace officers to carry out their desires.

Governor Laffoon's commission concluded that the evils in Harlan County were due to the failure on the part of coal operators to recognize that their employees were "human beings, with equal rights under the law with themselves." It recommended that "the present system of deputized mine guards and one-sided administration of the law must be abolished. The law should be enforced as strictly against the operators as it is now being enforced only against the miners." 5

In March 1937, this committee undertook to investigate conditions in Harlan County. A particular study was made of the operation of the privately paid police systems throughout the county insofar as they affected the constitutional rights of the miners and other citizens in the mining communities to free speech and peaceable assembly.

The committee also undertook to determine to what extent the national labor policy, as expressed in section 7 (a) of the National Industrial Recovery Act of 1933 and in section 7 of the National Labor Relations Act of 1935, had been interfered with or nullified through the activities of the company police. In the succeeding four chapters of this report a factual and episodic account is given of the conditions that formerly existed in Harlan County, Ky., and in particular in the company town of Lynch, owned and controlled by United States Coal & Coke Co., a subsidiary of United States Steel Corporation. Today conditions of repression in Lynch are improved as a result of the cur-

128457-39--2

Ibid., p. 139.

See pp. 34-36.
 Preliminary hearings on S. Res. 178, 72d Cong., 1st sess. The subcommittee was composed of Senators Bronson Cutting of New Mexico, Edward P. Costigan of Colorado, and H. D. Hatfield of West

Virginia.

3 Senator H. D. Hatfield did not concur with this recommendation.

4 Preliminary hearings on S. Res. 266, 74th Cong., 2d sess., p. 137.

rent enlightened policy of the United States Steel Corporation with regard to recognition of the right of labor to organize. In the rest of Harlan County turbulent conditions which have prevailed for almost a decade now appear to have been quieted. Contributing factors to this change are the corrective legislation adopted by the Commonwealth of Kentucky and a collective-bargaining agreement reached by the Harlan County Coal Operators' Association and representatives of the miners in connection with the settlement of cases pending before the National Labor Relations Board.

On the other hand, in the steel communities in several States where Republic Steel Corporation, directly or through subsidiaries, operates plants, conditions very similar to those that obtained in Harlan County have existed in open defiance of the national labor policy. conditions have spread over many communities in New York, Pennsylvania, Ohio, and Michigan, where the Republic Steel Corporation has extended its control and operations through successive acquisitions

since its organization in 1930.1

Following the description of conditions in Harlan County detailed account is given of the activities of the Republic Steel Corporation police in the several communities in which the corporation has plants. The methods of suppression of the rights of labor to organize into unions are described through the testimony of eyewitnesses, of victims, and of corporation officers themselves. The committee's investigation of Republic Steel Corporation 2 included much more than the activities of its police system. It encompassed the whole field of the corporation's labor policies and practices, of which the use of company police is but one aspect. A fuller account of the corporation's policies will be treated in a forthcoming report on the "Little Steel" strike of In the present report only those activities of the corporation's police department are treated which most directly infringe upon the civil rights and liberties of its employees.

This committee's investigation of private police systems was not confined to Harlan County and the Republic Steel Corporation. From time to time, the committee has delved into the operations of the private police of other corporations.3 These brief studies of other police systems were not as exhaustive as the committee's investigations of the operations of deputies in Harlan County and of the police system of Republic Steel Corporation. They nevertheless clearly demonstrate that private interests have used systems of armed guards as instruments of labor policy and have interfered with the civil liberties of employees. The National Labor Relations Board has also found several instances where private police systems have been used to thwart the employees' exercise of their rights of self-organization

<sup>1</sup> For a brief description of acquisitions by Republic Steel Corporation, see pt. 23, exhibit 4295, pp. 9833-

<sup>9837.

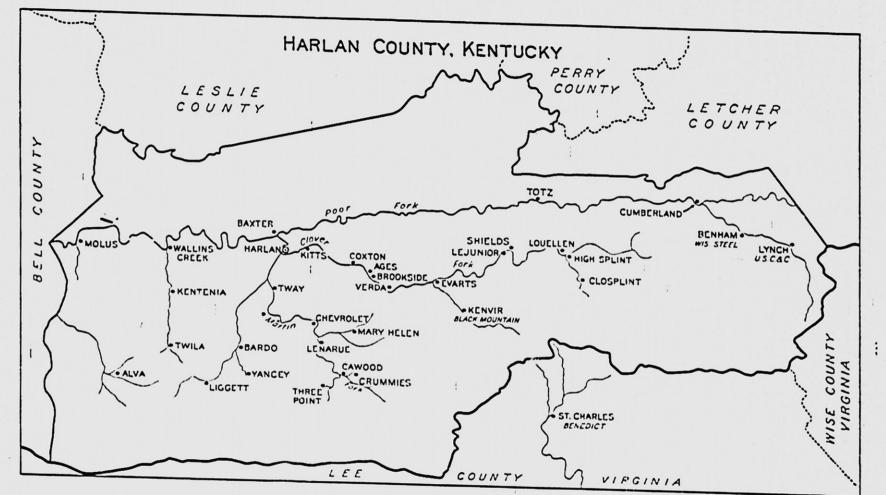
†</sup> Contained in pts. 23-34.

† For data on the company police system of Tennessee Coal, Iron & Railroad Co., see pt. 3, pp. 733-795 and pp. 953-980; and pt. 15-C, pp. 6299-6347. For data on the service departments of Ford Motor Co., the Briggs Body Co., and the Murray Body Co., see pt. 4, pp. 1279-1281. For data on the activities of the General Motors Corporation's private police system, see pt. 6, pp. 2001-2006 and p. 2167, and pt. 7, p. 2322, p. 2327, and p. 2329. For data on the Goodyear Tire & Rubber Co.'s private police system, see pt. 8, p. 2974-2993, and p. 3014; and pt. 15-A. p. 5756. For data on the private investigating system of the RCA Manufacturing Co., Inc., see pt. 8, p. 2911.

in defiance of expressed National labor policy, as embodied in the National Labor Relations Act.<sup>1</sup>

This report is confined to an analysis of the activities of private police and deputies in Harlan County and the company police system of Republic Steel Corporation. However, evidence in the possession of this committee and of the National Labor Relations Board indicates that conditions described in this report are not exceptional episodes. This evidence indicates generally that violations of civil liberties ensue whenever private police systems are used as instruments of labor policy to thwart self-organization of workers.

<sup>&</sup>lt;sup>1</sup> National Labor Relations Board, Proposed Findings of Fact, Proposed Conclusions of Law and Proposed Order, "In the matter of Ford Motor Co. and International Union, United Automobile Workers of America," case No. C-199, issued January 26, 1939. Also, "In the matter of West Kentucky Coal Co. and United Mine Workers of America, District 23, 10 N. L. R. B. No. 10," decided December 3, 1938.



## HARLAN COUNTY, KY.

CHAPTER II. THE ECONOMIC AND POLITICAL ORGANIZATION OF HARLAN COUNTY, KY.

#### SECTION 1. INDUSTRY AND LABOR IN HARLAN COUNTY

Harlan County, Ky., one of the major coal-producing sections of the country, is located in a section of the Appalachian mountain range, in the extreme southeastern corner of the State. It is bounded on the east and south by Wise and Lee Counties, Va., and on the west and north by Bell, Leslie, Perry, and Letcher Counties, Ky. Its shape is that of a narrow shovel about 50 miles in length and 20 miles at its widest point.1 Several streams traverse the county and flow into the Cumberland River. The general appearance of the valleys through which these rivers flow is one of narrow, steep defiles. The four roads that enter the county wind along the stream beds. None of the roads is a main highway and for this reason the county is relatively isolated from the rest of the country. The only railroads in the county are spur lines for the transportation of coal.

In 1910 Harlan County was sparsely inhabited by a farming population of 10,566 persons. Following the development of the coal fields the population steadily increased, until in 1930 the census recorded a total population of 64,557 persons. Nine percent of the population were Negroes and only 1 percent were foreign born.2 The larger part

of the population depended for its livelihood on coal mining.

The mine shafts are sunk into the sides of the mountains and the people in Harlan County for the most part live in houses which are clustered around the entrances to the mines. The picture of a typical coal town in the Kentucky area painted by the United States Coal Commission in 1923, still applies to the physical appearance of Harlan County today:

Each mine or group of mines became a social center, with no privately owned property except the mine, and no public places or public highway except the bed of the creek which flowed between the mountain walls. These groups of villages dot the mountain sides down the river valleys and need only castles, draw-bridges, and donjon-keeps to reproduce to the physical eye a view of feudal days.

The bituminous-coal fields in Harlan County are among the richest in the world. Howard N. Eavenson, of the firm of Eavenson, Alford & Hicks, consulting engineers of Pittsburgh, president of the Clover Splint Coal Co., operating in Harlan County, and formerly consulting engineer for the United States Coal & Coke Co., a subsidiary of the United States Steel Corporation, ascribed the rapid development of the Harlan County coal fields to the high quality of the coal produced

See map of Harlan County on opposite page.
 Pt. 10, exhibit 1177, p. 3657.
 Report of U. S. Coal Commission, 68th Cong., 2d sess., 1925, pt. 1, p. 169.

there. In his testimony before a subcommittee of the Senate Committee on Manufactures, he said:

Harlan County was the last of the large coal fields opened and on account of the excellence of its product its growth has been unusually rapid. The coal is largely used for special purposes where a low-ash and a low-sulphur coal is needed. Much of it is used in by-product coke ovens, and the rapid growth of the field was helped by the great demand during the war for coal yielding large quantities of benzol and tuluol, as this does, needed for explosives.

Even though coal production in Harlan County did not begin until 1911, it mounted steadily from 2.5 million tons in 1916 to 15 million tons in 1928, while the total bituminous-coal production for the United States in 1916 and 1928 was about 500 million net tons.<sup>2</sup>

In 1935 there were 44 mining companies in Harlan County engaged in the production of coal. Some of these were owned and operated by residents of the county. The largest mines, however, were under the control and ownership of nonresidents. The relative position of mines operated under absentee ownership as compared with mines operated by residents appears in the following figures of coal production, expressed in net tons:3

	1920	Per- cent	1928	Per- cent	1932	Per- cent	1935	Per- cent
Absentee owned: Captive mines Others	2, 576, 408	51. 5	5, 431, 179	35. 3	1, 514, 827	20. 4	4, 019, 312	32. 5
	873, 960	17. 4	5, 949, 829	38. 7	4, 182, 545	56. 3	5, 394, 362	43. 7
Total absentee 1. Resident owned	3, 450, 368	68. 9	11, 381, 008	74. 0	5, 697, 372	76. 7	9, 413, 674	76. 2
	1, 554, 135	31. 1	3, 999, 319	26. 0	1, 730, 549	23. 3	2, 943, 712	23. 8
Tota	5, 004, 503	100.0	15, 380, 327	100.0	7, 427, 921	100.0	12, 357, 386	100. 0

Includes captive mines.

Of the mines which are operated under absentee control, the largest are the so-called captive mines. "Captive mine" is a term which designates mines operated by manufacturing corporations or public service companies which themselves consume most of the coal produced in their mines, only the excess over their own consumption being sold in the open market. The largest captive mine in Harlan County is that operated by the United States Coal & Coke Co., which is a subsidiary of the United States Steel Corporation. captive mines of the United States Steel Corporation in Harlan County produced 2,122,380 tons of coal, compared with the total combined production during the same year of all the mines in the same area operated under resident ownership control of 2,943,712 net tons. The International Harvester Co. likewise operates a captive mine in Harlan County, through its subsidiary, the Wisconsin Steel Co. Formerly, the Ford Motor Co. operated the Fordson mine in Harlan County, but this closed in 1930. Two other captive mines still in operation

<sup>1</sup> Testimony of Howard N. Eavenson, May 19, 1032, hearings of the subcommittee of the Senate Committee on Manufactures on S. Res. 178, 724 Cong., 1st sess., p. 187.

1 National Labor Relations Board, The Effect of Labor Relations in the Bituminous Coal Industry upon Interstate Commerce, table 11, p. 57. In the intervening period the maximum production of bituminous coal was reached in 1918, with 579,386,000 net tons, and the minimum production was obtained in 1921, with 415,922,000 net tons (1932 production, 309,710,000 net tons.)

2 Pt. 10, exhibit 1176, p. 3656.

are controlled by the Koppers Coal Co. and by the Peabody Coal Co.<sup>2</sup> The Cornett-Lewis Coal Co., although not a captive mine, disposed of its whole output to the Cleveland-Cliffs Iron Co. of Cleve-

land, Ohio, which acted as its sales agent.3

During the depression following 1929, coal production in Harlan County slumped off more sharply than in other parts of the country. The decrease in manufacturing activities throughout the nation was reflected in the idleness of the captive mines. Production of the captive mines of the United States Steel Corporation for instance, showed the following fluctuations: 1

	TACE COME
1930	2, 619, 055
1931	1, 763, 783
1932	568, 580
1933	1, 129, 997
1934	1, 238, 488
1935	* 2, 122, 380·

<sup>\*</sup> Pt. 15-C, exhibit 3151, pp. 6534-6535.

The decline in the coal production of the captive mines was much more severe than in other mines of the county. It thus appears that the coal miners in Harlan County, although relatively isolated from the rest of the country, nevertheless are affected by the rate of industrial activity of the large corporations which control the captive mines. Their wages, hours, working conditions, and extent of employment are determined, for the most part, by persons who are not residents of Harlan County; in some cases by large corporations, the principal business of which is the production of steel, coal gas, coke, electricity, etc., with operations widely scattered throughout the United States. The working conditions, wage levels, opportunities for employment, and even the political privileges of Harlan County miners depend largely upon the policies and fortunes of big corporations which have their headquarters in large industrial centers.

Harlan County has been traditionally a nonunion field. The labor unions have been able to gain strength in Harlan County only when the right to organize has been protected by agencies of the Federal Government. The history of labor relations in Harlan County was summarized by Howard N. Eavenson, who appeared before the subcommittee of the Senate Committee on Manufactures as the representative of the Harlan County Coal Operators' Association on May

19, 1932. He said:

Since its start, the Harlan field has operated nonunion. During the war the operatives were forced by the Fuel Administration to sign wage agreements with the United Mine Workers, but they did not recognize that body, and after the war the agreement was never renewed. The Black Mountain Coal Co.

<sup>1</sup> Pt. 10, exhibit 1175, p. 3655. All of the common stock of Koppers Coal Co. is held by Eastern Gas & Fuel Associates which, through several tiers of holding companies, traces its parentage to Koppers United Co., which, in turn, is controlled by the Mellon family. A third of the coal production of Koppers Coal Co. is sold to affiliates. See Moody's Industrials, 1938, p. 1173; also, registration statement of Koppers Co. filed in 1936 with the Securities and Exchange Commission under the Securities Act of 1933.

1 Pt. 10, exhibit 1175, p. 3655. The largest stockholder in the Peabody Coal Co. in 1936 was the Commonwealth Subsidiary Corporation, wholly owned by the Commonwealth Edison Co., of Chicago (report of the Peabody Coal Co. filed in 1936 with the Securities and Exchange Commission, form 10 K, under the act of 1934.) One of its large contracts for selling coal is with the Public Service Corporation, another subsidiary of the Commonwealth Edison Co. (Moody's, Industrials and Public Utilities, 1938).

3 Testimony of Robert E. Lawson, general manager, the Cornett-Lewis Coal Co., pt. 11, p. 3835. The Cleveland-Cliffs Iron Co., with its parent organization, the Cliffs Corporation, both of Cleveland, Ohio, constitute the largest financial interest in a group of "Little Steel" companies, including Republic Steel Corporation, The, Youngstown Sheet and Tube Company, Otis Steel Co., and Inland Steel Co. (pt. 23, exhibit 4295).

(a Peabody subsidiary, an Illinois outfit) began shipping in 1919 and in 1919 signed an agreement with the United Mine Workers under which it operated until 1926, when it decided to go nonunion—and this was the only union mine in the county—and after a few months' strike it begun operating on a nonunion basis and has maintained that attitude since. In 1921 the union made a determined effort to organize the field, but was unable to do so, and this was the only serious labor trouble in the county prior to 1931.1

The comparative figures of the number of miners employed in Harlan County and the number of miners affiliated with the United Mine Workers of America bear out Mr. Eavenson's statement. In 1918 there were 4,123 miners employed in Harlan County, 2,576 of whom were members of the United Mine Workers union. number of miners employed in the mines increased until in recent years it has exceeded 12,000. However, after the war, union membership declined rapidly until in 1932 there were literally no members of the United Mine Workers employed in the mines in Harlan County.2

Revivals of union activities followed the passage of the National Industrial Recovery Act in 1933 and the passage of the National Labor Relations Act in 1935. By April 14, 1937, however, when this committee undertook its investigation, there were no mines in Harlan County under contract with the United Mine Workers, except the two mines of the Black Mountain Corporation, a subsidiary of the Pea-

body Coal Co.3

The attitude of the coal operators toward organization of the miners in Harlan County in the spring of 1937 was one of unqualified opposition. This stands out in the testimony of Pearl Bassham, vice president and general manager of the Harlan Wallins Coal Corporation, which operates 4 mines in Harlan County, producing over a million tons of coal a year, and employing over 1,200 men. On May 4, 1937, Mr. Bassham testified before this committee:

Senator La Follette. Was it not a fact that it was the policy of your company to discharge men who you knew became members of the union?
Mr. Bassham. Yes; it has been in the past.

Senator LA FOLLETTE. How far past?

Mr. Bassham. Up to possibly three or four weeks ago.4

Mr. Bassham explained that since his previous appearance before the committee, in April 1937, he had "issued instructions that no one is to be fired on account of joining the union."

Every miner employed by the Harlan Wallins Coal Corporation was forced to sign a "yellow dog" contract, binding him not to join any "mine labor organization." The contract read in part:

Harlan Wallins Coal Corp. Incorporated employer and (blank) employee, agree as follows: That so long as the relation of employer and employee exists, between them, the employer will not knowingly employ, or keep in its employment, any member of the United Mine Workers of America, the I. W. W., or any other mine labor organization, and the employee will not join or belong to any such union or organization, and will not aid, encourage or approve the organization. ization thereof, it being understood that the policy of said company is to operate

Hearings before the subcommittee of the Senate Committee on Manufactures, on S. Res. 178, 72d Cong., 1st sess., p. 203.
Pt. 10, exhibit 1171, p. 3653.
Testimony of Philip Murray, vice president, the United Mine Workers of America, pt. 10, p. 3447.

Pt. 13, p. 4521.

a non-union mine, and that it would not enter into any contract of employment under any other condition: \* \* \* \*.1 under any other condition;

Mr. Bassham stated that "that was a contract that has been in use ever since I came with the company and we just continued it." 2 He conceded that the "yellow dog" contract violated the provisions of the National Labor Relations Act. Moreover, he testified that he had "not had an opportunity to acquaint himself" with the National Labor Relations Act. It is not surprising that a local of the United Mine Workers was never organized at the Harlan Wallins Coal Corpo-Mr. Bassham's explanation was that "our people have ration's mines. never seemed to want the union." 8

Every miner in the Harlan Wallins Coal Corporation's camps was forced to live in a company-owned house and sign a company house-The lease required the occupant to vacate the premises immediately upon leaving the employ of the company. Miners discharged for violating the "yellow dog" contract were immediately

required to pack up their possessions and move on.

When coal miners are paid on the basis of quantity of production, accuracy and honesty in weighing the coal is important to the miners. The company employs a person to weigh the coal as it is unloaded at the tipple. One of the objectives of the United Mine Workers of America is the recognition of the right of employees also to employ a checkweighman to see that they are given honest weight at the mine scales. Philip Murray, vice president of the United Mine Workers of America, charged that in nonunion territories companies resist the effort of employees to employ checkweighmen. testified:

It has been proved that men were deprived of approximately 40 to 50 percent of the coal that they loaded, or that they worked for rates approximately 40 to 50 percent below the standard rates where checkweighmen were recognized and employed.7

In Kentucky, since 1886, the State law has required the employer to accede to the demand of a majority of his employees that they be permitted to employ a checkweighman to protect their interests, and provides for an election to determine whether a checkweighman is to

be employed by the miners.

There were no checkweighmen at most of the mines in Harlan County. A union organizer testified that there were checkweighmen at only two mines in the entire county.9 Robert E. Lawson, general manager of the Cornett-Lewis Coal Co., located at Louellen, in Harlan County, testified that he knew of five checkweighmen in the county. He claimed that the reason more were not employed was due to the reluctance of the miners to pay for them. There was,

Pt. 10, exhibit 1196, p. 3691.

Pt. 10, p. 3581.
Pt. 10, p. 3580.
Pt. 10, p. 3579.
Pt. 10, p. 3577.
Pt. 10, p. 3597.

<sup>Pt. 10, p. 3597.
Pt. 10, exhibit 1197, pp. 3692-3693; testimony of Pearl Bassham, pt. 10, pp. 3578-3579.
Pt. 10, p. 3446.
Pt. 10, exhibit 1181, pp. 3658-3659. Carroll's Kentucky Statutes (1930), sec. 2738-1; amended in 1934, Carroll's Kentucky Statutes (1936), sec. 2739-48.
Testimony of Marshall A. Musick, former employee of the Harlan Wallins Coal Corporation, who, at the time of testimony, was a field worker representing the United Mine Workers of America in Harlan County, pt. 10, p. 3458. Both mines were operated by the Black Mountain Corporation, which had signed a contract with the union.</sup> 

however, no checkweighman at his own mine. In explanation, he asserted:

\* \* \* I have tried my best on four different occasions in public meetings to get my men to elect one, and they won't do it. They don't want to pay one.1

On the other hand, a union representative who was a former employee at Lawson's mine testified that the miners had checkweighmen at the mine until their union was broken in 1934. After the union had disappeared, he said:

Both of the checkweighmen were run out of the camp and (it) ceased to have any more checkweighmen.2

There were no checkweighmen at the mines of the Harlan Wallins Coal Corporation. Mr. Bassham stated that the men had not demanded it.3 His employees claimed that they were denied the right

to have checkweighmen.4

The denial of the right to have checkweighmen was not the only grievance in Harlan County among the miners. The wages and hours prevailing in Harlan County failed to meet the standards achieved in union coal fields. The operations of mining require the performance of other duties in addition to the actual removal of coal. A certain amount of work, such as supporting a shaft with timbers, or "timbering," is necessary as a preparatory step to excavating the coal. Such work is referred to as "dead work." After coal has been removed the refuse has to be disposed of. This work is called the "clean-up." In mines under contract with the union the miners work a fixed number of hours. They are paid by weight for the coal which they load; and they are paid at an hourly rate for their labor in connection with the auxiliary processes of coal mining.<sup>5</sup> In nonunion mines, however, the miners were paid only for the coal which they actually They were not paid, in many of the mines, for "dead work" or for the "clean-up."

Although the average daily earning of miners in Harlan County approximated the daily earnings of miners in union coal fields, the hours of work were much longer in Harlan County. Elmer Gilbert, a miner employed by the Harlan Wallins Coal Corporation, testified that prior to April 16, 1937, his earnings amounted to \$4 a day. worked on an average between 10 to 12 hours a day. On April 16, 1937, his wages were raised to \$4.50 a day and his work day was reduced to 9 hours. Mr. Bassham, vice president of the Harlan Wallins Coal Corporation, testified that the increase in wages had been agreed upon at a meeting of the Harlan County Coal Operators' Association for the purpose of offsetting the union organization drive which was then being conducted. Even with this change, however, the hours at the Harlan Wallins Coal Corporation did not meet the union standards of a 7-hour day, a 35-hour week and time and a half

for overtime.8

<sup>1</sup> Pt. 11, p. 3857.

3 Testimony of Marshall A. Musick, pt. 11, p. 3820.

3 Pt. 10, p. 3581.

4 Testimony of James' Fugate, pt. 13, p. 4448; testimony of Elmer Gilbert, pt. 13, pp. 4439-4440. See decision of the Bituminous Coal Labor Board in the matter of charges brought against the Harlan Wallins Coal Corporation, entered on October 17, 1934, pt. 10, exhibit 1236-O, pp. 3800-3801.

5 Testimony of Philip Murray, pt. 10, p. 3446.

6 Pt. 13, p. 4438.

7 Testimony of Pearl Bassham, pt. 10, p. 3589.

8 Testimony of Philip Murray, pt. 10, p. 3445.

The wages paid to the miners at the Harlan Wallins mines were quickly recovered by the company. Miners are paid semimonthly. In 1937 the average monthly wages in Harlan County for miners was \$75.1 It is customary for the miners, when they are hard pressed for money, to draw their earnings in advance of pay day; and the Harlan Wallins Coal Corporation permitted its employees to draw advances in cash or in scrip. The company, however, deducted and kept 15 percent from all cash advances.2 Likewise, the company scrip did not have the purchasing power of ordinary currency, because the company did not redeem its scrip at its face value, but at a discount of 15 percent.3 Merchants, therefore, who sold goods to employees of the Harlan Wallins mines in return for scrip, were obliged to accept a 15-percent discount when they cashed the scrip at the company, and their prices to the miners necessarily reflected this

charge.

The miners had little opportunity to make their purchases except at the company store of the Harlan Wallins Coal Corporation, which was operated by the Verda Supply Co., a separate company created by Pearl Bassham, vice president and general manager of the Harlan Wallins Coal Corporation. The Lown was built on company property and independent merchants were not permitted to open shops, which would compete with the company store, in the camp. The miners even faced the threat of being discharged if they failed to patronize the company store and went outside the camp to do their marketing. This placed the company store in a position to exact its own prices from the miners for its goods. The miners testified that they were forced to pay exorbitant prices. The truth of these charges is shown by the swollen profits made by the Verda Supply Co., in spite of the fact that it was obliged to accept a 10 percent discount on company scrip 6 (5 percent less than other merchants who accepted company scrip). Pearl Bassham permitted three other persons to participate with him in the Verda Supply Co. at an investment of \$1,500 each. For the first year of its operations (1935) the Verda Supply Co. paid dividends of \$2,400 to each of the four persons, which represented a 170 percent return on their investment in 1 year,7 a profit which Mr. Bassham described as "pretty good." 8

Even the medical services which the company arranged for its employees, at their expense, was turned to a source of profit for the company. The miners had to agree to a monthly check-off from their wages for medical services, \$2 a month for single persons, and \$2.50 for married persons. The company employed two doctors at a monthly retainer to provide its employees with necessary medical treatment, but did not pay them all the money it collected from the

Testimony of Marshall A. Musick, pt. 10, p. 3456.

Testimony of Pearl Bassham, pt. 13, p. 4519.
Testimony of Pearl Bassham, pt. 10, p. 3583.
Testimony of Marshall A. Musick, pt. 10, p. 3457.
Testimony of Marshall A. Musick, pt. 10, p. 3457; testimony of Lindsay Baker, pt. 13, p. 4466.
Testimony of Pearl Bassham, pt. 10, p. 3583.
Testimony of County Judge Morris Saylor, pt. 10, pp. 3574-3576.
Pt. 10, p. 3583.

miners for medical service. This appears in Mr. Bassham's testimony:

Senator La Follette. Now, making the most liberal estimate, you pay to the doctors for the total medical services that they render \$1,250.00 a month, and you take in from \$1,800.00 to \$2,400.00 Who gets the gravy?

Mr. Bassham. It goes to the company.

The reduced budget of the doctors increased the company's profits, but the quality of the medical treatment available to the miners must have suffered correspondingly. Furthermore, the doctors had to pay for drugs and supplies out of their curtailed remuneration. had an incentive, therefore, to run their offices as economically as possible. One of the miners employed by the Harlan Wallins Coal Corporation testified that due to an accident in the mine his jawbone was shattered. He applied to the company doctor, who merely gave him some pills. Later, when he applied at the company hospital, he was unable to secure proper treatment; and after infection had set in because of improper treatment he was compelled to seek treatment at his own expense from a private physician.2 Mr. Bassham did not deny that the failure to furnish proper treatment as charged by the miner could be traced to the arrangement the company had made with the doctor:

Senator Thomas. He (the doctor) would try to run his office as economically as

possible, wouldn't he?
Mr. Вазянам. Yes, sir.
Senator Тномая. Do you think that the testimony that was given here, about the man who got his jaw broken, reflects that idea pretty well?

Mr. Bassham. It certainly did; yes, sir. Senator Thomas. I think it does, too.

Mr. Bassham. Yes, sir.1

Another ingenious method of exploiting his employees devised by Mr. Bassham was the semimonthly second-hand-car lottery. Every 2 weeks the foremen in the Harlan Wallins mines "were given chances" which they carried through the mines on company time and sold tothe employees. One of the foremen testified that the men were compelled to buy chances on pain of dismissal and that he never failed to dispose of the tickets which were given to him.<sup>3</sup> The lottery tickets were prepared by the company, and the money for them was collected from the miners by means of a check-off on their wages. Company officials handled the drawing of the lots on a wheel belonging to the company. As much as \$800 were collected in this way from the employees for each car that was raffled off. The car was not exhibited to the employees before the raffle and they complained that they were forced to take dilapidated cars which were relatively worthless. Mr. Bassham readily admitted that "all the men together are paying more than the car is worth." 8

The company compelled its employees to participate in the used-car raffle for a period of over 10 years. During that period Mr. Bassham

Pt. 13, p. 4517.
Testimony of Lindsay Baker, pt. 13, pp. 4460-4472.
Testimony of B. C. "Thug" Johnson, pt. 13, p. 4512.
For typical wage statement with \$1.00 checked off for "chances," see pt. 13, exhibit 1318, p. 4631.
Testimony of Pearl Bassham, pt. 13, p. 4507.
Testimony of Pearl Bassham, pt. 13, p. 4994.
Testimony of James Fugate, pt. 13, p. 4448.
Pt. 13, p. 4495.

estimated that he had disposed of 8 or 10 of his own private used cars in this fashion. Several of the supervisory officials of the company had also taken advantage of this method of disposing of their own cars at a profit. W. W. Lewis, president of the Bank of Harlan, secretary-treasurer of the Cornett-Lewis Coal Co. and treasurer of Harlan County, was permitted, as a special favor, to dispose of his used car at the expense of the employees at the Harlan Wallins mines. A similar courtesy was extended to Daniel Boone Smith, commonwealth attorney for Harlan and Bell Counties. From time to time, the company, too, raffled off its own used cars. The raffle transactions were so profitable that Mr. Bassham estimated that the company approximated an \$1,800 or \$1,900 profit on them in 1936. Mr. Bassham explained that the raffling of used cars was a regular part of the company operations.

Senator Thomas. You carry that account then, "profits from sale of cars?"

Mr. Bassham. I believe it is shown as "car raffles"; I believe it is. Senator Thomas. "Car Raffles?"
Mr. Bassham. Yes, sir; I believe it is.

Senator Thomas. Then it is a well-understood part of your business practice? Mr. Bassham. To raffle off the company cars? Yes, sir; it io.2

Mr. Bassham conceded that he "might" be taking advantage of his employees in forcing them to participate in the car raffle.3 He said that the raffle was very profitable to the company and that the cars were "very easily sold." He admitted that his ability to exploit the miners through the raffle was based upon the fact that they depended on him for their employment.

Senator Thomas. Why don't you quit the mining business and go into this raffling business?

Mr. Bassham. I would not be able to sell the chances, sir, if I did not have the

Conditions in Harlan County varied in the different mining camps. Certain of the operators denied that their employees were exploited to the same extent that the employees of the Harlan Wallins Coal Corporation were. However, in 1936, the secretary of the Harlan County Coal Operators' Association went to the State capital, to lobby on behalf of the coal operators of Harlan County against legislation aimed to correct certain of the abuses which existed in the Harlan Wallins camps. In particular he was successful in preventing the enactment of legislation dealing with company scrip, company doctors, and the employment of deputy sheriffs by coal companies as private guards.5

The operations of nonunion mines in Harlan County were carried on in such a way as to make it difficult for mines operating under union contracts to withstand the competition of the nonunion mines. Armstrong R. Matthews, superintendent of the Clover Splint Coal Co., whose mine is located at Closplint, Harlan County, testified that in September 1935 his company, which employed over 425 miners,

<sup>1</sup> Testimony of Pearl Bassham, pt. 13, p. 4493. The lottery violated the Kentucky statutes (ch. 82, p. 2573). See testimony of Pearl Bassham and of Sheriff Theodore R. Middleton, pt. 13, p. 4513.

2 Pt. 13, pp. 4501-4502.

3 Testimony of Pearl Bassham, pt. 13, p. 4505.

4 Pt. 13, p. 4499.

4 Testimony of Clears Ward at 13, pp. 4505.

Testimony of George Ward, pt. 10, pp. 3518-3520.

determined not to renew its contract with the United Mine Workers of America because his company had been placed in an unfair competitive position due to the fact that the other mines in Harlan County were operating under nonunion conditions.

Senator LA FOLLETTE. Well, as a matter of fact, \* \* would the signing of a contract at this time under those conditions have resulted in your being in an unfavorable competitive position with nonunion operators in the county?

Mr. MATTHEWS. I would say so.

Senator LA FOLLETTE. Now, if you pay the same wage scale, would you kindly

explain why the competitive advantage would be against the company that was

Mr. Matthews. There is the matter of hours.

Senator LA FOLLETTE. Shorter hours?

Mr. Matthews. Shorter hours.

Senator LA FOLLETTE. Now, if all the other mines in Harlan County had signed contracts and had agreed to abide by the 1935 contract, could you, in view of your operations and the type of operations and the topography and the geology of the particular mine that you are operating, could you have competed had the others been under similar contracts?

Mr. Matthews. Yes, sir.1

The competitive advantage secured by Harlan County coal operators through operation of their mines under substandard conditions, without checkweighmen and with long hours, made it profitable to oppose union organization among their employees. In this way they not only secured an advantage over their own employees but they were also in a position to capture markets from operators in other districts who abided by the union standard of hours, wages, and working conditions.2

#### SECTION 2. GOVERNMENT IN HARLAN COUNTY

There are only five incorporated towns in Harlan County—Harlan, the county seat, Cumberland, Wallins Creek, Loyall, and Evarts, the largest of which does not have a population exceeding 5,000. There are about 30 company towns, including Verda and Molus, the company towns owned by the Harlan Wallins Coal Corporation; Louellen, the company town of the Cornett-Lewis Coal Co.; Closplint, the company town owned by the Clover Splint Coal Co. At the eastern end of the county lie the company towns of Benham and Lynch,3 which are occupied by the miners who work at the captive mines of the Wisconsin Steel Co. and the United States Coal & Coke Co.

Over 45,000 citizens of Harlan County live in the company towns. In an incorporated town the local government is controlled by officials duly elected by the residents. In a company town, local government is administered by the employer as a part of his business. The social life and community activities, which are regarded by residents of cities and incorporated towns as being normal incidents to civic life, are permitted in company towns only at the pleasure of the employer. The right to have guests, to come and go without asking leave, even to use the Federal mails—these are all concessions which may be granted or denied in company towns according to the policies adopted

<sup>1</sup> Pt. 11, pp. 4033-4054. 2 Testimony of Philip Murray, pt. 10, pp. 3449-3450. 3 The company town of Lynch is described in greater detail in ch. IV, pp. 45-55.

by the company managements. In Verda, the company town of the Harlan Wallins Coal Corporation, directed by Pearl Bassham, the company maintained close control over the community. The road which led from the public highway to Verda was owned by the company and had on it a sign which read "Private property-keep out." 1 Even the post office at Verda was located in a building owned by the company and on company property. Mr. Bassham admitted that it would be possible to exclude a person from entering the company town or the company building where the post office was located for the purpose of securing mail at the post office.

Senator LA FOLLETTE. You could keep him from coming on to your property for the purpose of collecting mail, couldn't you?

Mr. Bassham. I suppose we could if we tried to, but we never have.

Senator La Follette. You could also keep him from coming into the post office to mail a letter, couldn't you, if you did not want him to?

Mr. Bassham. Yes; we own the building.2

At the company town of Louellen, the road leading into the company town was barred by a gate which was locked, and the key was available at the company office. In explaining this device, Robert E. Lawson, general manager of the Cornett-Lewis Coal Co., which owned the property, testified on April 20, 1937, as follows:

Mr. Lawson. \* \* Now, if anybody comes in there and wants to go inside, they just ask—not a regular person that lives there—but they come over to the office and get the key and go where they want to and come back.

Senator LA FOLLETTE. You say that you do not have this place locked now

and have not had it locked for two years?

Mr. Lawson. I suppose it has been two years.\*

There was even a private jail in Louellen. It was built in the theater building and, according to a former employee of the company, was used to "lock up United Mine Workers" and "men that became intoxicated." 4 Mr. Lawson testified as follows regarding his company jail:

Senator LA FOLLETTE. Well, who made it available or who fixed it up so that it could be used as a jail?

Mr. Lawson. I did.

Senator La Follette. Then you would not say it was a public jail, would you? Mr. Lawson. I think so. I would say it was.

Senator LA FOLLETTE. Do you own it?

Mr. Lawson. No, sir.

Senator LA FOLLETTE. Who does?

Mr. Lawson. I mean I own it, but I do not operate it.
Senator La Follette. Who operates it? Have you leased it to anybody?

Mr. Lawson. Well, I have turned it over to the sheriffs.

Senator La Follette. But you have title to it, do you not?

Mr. LAWSON. Oh, sure. Senator LA FOLLETTE. Who does operate this jail?

Mr. Lawson. The sheriff.

Senator LA FOLLETTE. What sheriff?

Mr. Lawson. The sheriff that works for me.

Senator LA FOLLETTE. Your own deputy?

Mr. Lawson. My own deputy.

<sup>1</sup> Testimony of Pearl Bassham, pt. 10, p. 3576.

1 Pt. 10, p. 3578. This was also true at Louellen, company town of the Cornett-Lewis Coal Co. See testimony of Robert E. Lawson, pt. 11, p. 3842. See also testimony of William M. Hall with reference to his exclusion from the post office at High Splint, company town owned by the High Splint Coal Co., pt. 12,

Testimony of Marshall A. Musick, pt. 11, p. 3815.

Senator La Follette. Paid by you? Mr. Lawson. Yes, sir.

Senator LA FOLLETTE. By what authority does the company confine men in its\_own\_private jail?

Mr. Lawson. When they have broken the law.1

An employee with a grievance against his employer or one of his agents does not have any impartial authority within his community to hear his case. The only recourse he has, therefore, is to appeal to The character of the few elected county officials the county officials. is consequently of vital importance to the citizens of Harlan County.

Five officials in Harlan County are primarily concerned with the enforcement of the law: the high sheriff, the county attorney, the county judge, the commonwealth attorney, and the circuit court judge. The Circuit Court of the Twenty-sixth Judicial District of the Commonwealth of Kentucky has jurisdiction over the major cases, both criminal and civil, arising in Harlan and Bell Counties. The court is attended by the Commonwealth attorney, who directs the conduct of all criminal cases within the district. The county judge has a lesser jurisdiction than the circuit court judge, attending only to local matters affecting the county government, or minor civil suits, or petty offenses. The position is open to nonattorneys. For instance, the occupation of the incumbent from 1934 to 1938, Morris Sayler, was that of a merchant, and he had no legal training. The county attorney is ordinarily assigned to the duty of preparing cases for presentation to the grand jury under the direction of the Commonwealth attorney.

The chief executive official of Harlan County is the high sheriff, whose duties were described by Sheriff Theodore R. Middleton, who

took office on January 1, 1934, in the following terms:

The duties of the Sheriff of Harlan County is to enforce law and order, protect life and property, and wait on the courts and serve the processes of the courts.2

The sheriff also collects State and county taxes, and, for the protection of the State, he is required to file bonds covering faithful performance of his duties and the funds which come into his possession through the collection of taxes.<sup>2</sup> Prior to the adoption of the deputy-sheriff law on May 31, 1938,3 the sheriff was authorized at his discretion to appoint deputies in such numbers and with such qualifications as he thought best, subject only to confirmation of the county judge. For his services the sheriff is compensated through fees and commissions which he receives in performing the functions of his office; a limit of \$5,000 per year, plus expenses, is fixed by the State constitution as the maximum amount which the sheriff is permitted to retain, and it is his duty to turn back to the State all fees and commissions in excess of that amount.

From 1930 to 1934, the high sheriff of Harlan County was John Henry Blair. Mr. Blair conducted himself in office in such a way as

<sup>1</sup> Pt. 11, p. 3844.

Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3530.
Carroll's Kentucky Statutes (1938), secs. 3766-a ff.
Testimony of Sheriff Theodore R. Middleton, pt. 12, pp. 4143-4144.

to convince the miners that he was acting in collusion with the coal operators. During his term Harlan County was in the grip of the depression, and thousands of miners were unemployed. Those who had work received a series of reductions in pay. Privation and unemployment among the miners had created a tense atmosphere.1 Sheriff Blair and his deputies "preserved order" through extra-legal and autocratic means.2

Sheriff Theodore R. Middleton, who succeeded John Henry Blair for the term from January 1, 1934, to December 31, 1938, conducted his campaign for election on a platform which promised to put an end to collusion between the county officials and the coal operators, and to extend equal protection of the law to the miners as well as to their employers. In his campaign he rallied behind him all the citizens of Harlan County who were opposed to the lawless acts perpetrated by the law enforcement officers while John Henry Blair was sheriff. The Rev. Carl E. Vogel, who was pastor of the Cornett Memorial Methodist Church, in the city of Harlan, from September 1930 to September 1935, stated the issues of the campaign of 1933 as follows:

The issues were very clean cut. The issue was the cleaning up of the situation in Harlan County relative to the collusion between the Harlan County Coal Operators' Association and the officials.

He further stated that Sheriff Middleton, in his campaign, had stressed that issue above all others.3

The background of Sheriff Theodore R. Middleton before he took office was not one calculated to inspire confidence. In 1920, after serving in the United States Army from 1913 to 1919, where he had obtained the grade of second lieutenant of the Infantry, he applied for an appointment as an officer in the Regular Army. His application was rejected by the examining board on the grounds that he had appeared as a witness in a trial of a soldier in France and as the report stated:

\* \* contradictory statements made in two letters written by applicant and his testimony at trial of soldier, thoroughly discredits applicants reliability as a witness. Lacks veracity. Recommended he not be com. R. A. Very poor material.4

After he left the Army, Mr. Middleton operated a poolroom in Harlan County. In 1926 he served a five-months' sentence in a Federal penitentiary under a conviction of selling liquor in violation of the National Prohibition Act. After he left prison, he operated a restaurant in the city of Harlan until he was appointed to the police force of the city by his uncle, who was then chief of police. He succeeded his uncle in this position which he continued to hold up to the time he was elected to the office of high sheriff.

<sup>&</sup>lt;sup>1</sup> Report of Commissioners J. Smith Hayes and A. A. Bablitz to the Hon. Flem D. Sampson, Governor of Kentucky, dated Dec. 3, 1931, pt. 15-C, exhibit 3110, pp. 6503-6610.

<sup>2</sup> Report of the subcommittee of the Committee on Manufactures, on S. Res. 178, 72d Cong., 1st sees.,

July 11, 1932.

Pt. 10, p. 3612.

Statement of the military service of Theodore R. Middleton, furnished to the committee by the Adjutant General's office of the War Department, pt. 13, exhibit 1325, p. 4634. Mr. Middleton had no comment on this report. (See pt. 13, p. 4687.)

Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3526-3530.

Mr. Middleton made a good campaign. He solicited the support of the miners in Harlan County who were members of the United Mine Workers of America. Lawrence "Peggy" Dwyer, international representative of the United Mine Workers of America, who was assisting the locals of the union in Harlan County, testified that Mr. Middleton had made the following pledge to the miners:

He swore to his God Almighty, in my presence and in the presence of others, if we would endorse and support him he would be elected, he would give us, the miners, the same protection as the other citizens of Harlan County.

Mr. Middleton further promised that if he were elected sheriff, he would not renew the appointments as deputy sheriffs of the "gunmen" who had served under Sheriff John Henry Blair. Sheriff Middleton was opposed by W. J. R. Howard, former county judge, who had the support of the coal operators. The election was bitterly contested and, in an effort to prevent stuffing of the ballot boxes, Mr. Middleton and some of his supporters engaged in a series of battles with members of the opposing faction resulting in the death of at least one man and the wounding of several others. These battles were stopped only by the calling out of the National Guard.<sup>3</sup> The election ended with a The election ended with a victory for Sheriff Middleton and the reform ticket.

As soon as he took office, Sheriff Middleton ignored the pledges After his election, he was obliged to file bonds which he had made. for \$160,000, covering the performance of his official duties.4 Middleton turned to the coal operators who had signed the bonds for Sheriff John Henry Blair to obtain them as his own personal sureties.

Mr. Middleton's comment with respect to the underwriting of his administration by the coal operators is illuminating.

Senator LA FOLLETTE. Now, Mr. Middleton, when you compare the sureties of your bond with those on Sheriff Blair's bond you will find that six of the large coal operators of Harlan County who signed Sheriff Blair's bond also signed this. and three of these men were members of the executive committee of the Harlan County Coal Operators' Association. How could you make good on your campaign promises if you immediately put yourself under obligations to the same operators who were responsible for Sheriff Blair's administration?

Mr. Middleton. Well, I don't know. I guess there have been a lot of campaign promises that have not been fulfilled.

Sheriff Middleton was a man of small means when he took office. According to his own estimate his possessions on January 1, 1934, did not exceed \$10,000 in total value, and his annual income was less than Between January 1, 1934, and April 12, 1937, when he appeared as a witness before this committee, Sheriff Middleton's personal fortunes took a sharp turn for the better. In the 3-year period his net worth had increased to at least \$102,728. This increase in his assets was not due to his salary as sheriff, which was limited by the Kentucky Constitution to a maximum of \$5,000 a year. His average annual income from other sources amounted to \$6,500 a year. pressed by the committee for an explanation of his sudden acquisition of wealth, Sheriff Middleton merely replied, "I am just as puzzled

266, p. 137.
4 Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3545. Pt. 10, p. 3548.

Pt. 10, p. 3466.
 Pt. 10, p. 3466. Sheriff Theodore R. Middleton had no comment on this testimony (pt. 10, p. 3547)
 Report of Governor Laffoon's investigation commission, June 7, 1935, preliminary hearings on S. Res.

about it as the Senator is." He then took refuge in claiming his constitutional privilege against self-incrimination:

Senator, I believe at this point I will claim my constitutional right and respectfully decline to testify any further on my financial transactions, for fear they may involve me in a law suit with the Federal Government on my income tax. afraid my answers here to your questions might tend to incriminate me.

One of the factors which contributed to the ease with which the sheriff increased his personal fortune was the fact that he was able to use State funds in his private business transactions. maintained separate bank accounts in the Harlan National Bank for his personal account, the State tax account, the delinquent tax account, and the general account for the income and expenses of the sheriff's office.3 Although the sheriff maintained these special accounts, he testified that he intermingled the State funds with his personal funds. To facilitate this practice he prepared a rubber stamp which carried four endorsements, all of which were placed on the back of checks which came to the sheriff's office, authorizing the deposit of the checks in any of the four accounts maintained by the sheriff in the bank.4 The sheriff admitted that the result was to make the funds interchangeable.

Senator Thomas. All of these practices, nevertheless, tend to give everyone the impression that there is more of a fusion—not confusion, but fusion—of your various accounts?

Mr. MIDDLETON. That is right. They are interchangeable.

A cursory examination of the sheriff's bank account disclosed that he used at least \$10,700 of tax money in connection with speculations on the stock market which were conducted through the firm of Westheimer & Co., of Cincinnati, Ohio. The sheriff did not attempt to deny that this was true:

Senator LA FOLLETTE. Now, if you will look at the exhibit, is it not a fact that we find from the three transactions on this exhibit that you used \$10,700 of tax money to pay off personal loans with the banks to finance your trading account with Westheimer?

Mr. MIDDLETON. I do not know. It would take a bookkeeper to figure that out, I guess.

While the sheriff personally prospered in office, the miners who had supported him in his election did not fare so well. The principal source of complaint against the administration of Sheriff Middleton lay in the caliber of the men whom he appointed to serve as deputy The sheriff was authorized to deputize the mine guards who were appointed by the coal companies to act as peace officers within the company towns. These deputies were armed, were authorized to make arrests and to exercise the police authority of the State generally throughout the county. Except for the sheriff himself, located in Harlan town, the county seat, far removed from many of the mining camps, the citizens of Harlan County had no police protection except that afforded by the deputy sheriffs who were paid by their employers,

<sup>Pt. 12, p. 4162.
Pt. 12, pp. 4160-4161.
Testimony of Sheriff Theodore R. Middleton, pt. 12, p. 4165.
Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3541.
Pt. 12, p. 4166.
Pt. 12, pp. 4170-4171.</sup> 

the coal operators. Although wielding public authority the deputy sheriffs reflected the interests of their employers and not the public interest. Therefore, it was of utmost importance to the miners in Harlan County that the sheriff exercise restraint and fjudgment in granting deputy sheriff commissions to the guards employed by the coal companies. The record of Theodore Middleton shows a reckless

abuse of his power to appoint deputy sheriffs.

The sheriff himself required the services of only three deputies to operate his office. He employed a chief clerk who kept the books of his office, a chief deputy who attended to the service of papers and to the removal of prisoners from the county court to the jail or to the State penitentiary, and a tax collector who supervised the collection of taxes.1 According to the testimony of his chief deputy, other deputy sheriffs "hung around" the office of the sheriff and occasionally performed special services, but they were not regarded as regular employees of the sheriff.2 For his own purposes, however, it appears that the sheriff charged the county with the salaries of some deputies whom he had appointed but who were not regularly engaged in public The State law permitted the sheriff to deduct expenses of his office, in addition to \$5,000 for his own remuneration, from the fees and commissions which he collected in behalf of the State. Each year the sheriff filed with the Harlan fiscal court a statement showing the expenses of his office including payments to some deputies whom he listed as having been paid from public funds. The amounts so listed were deductible as expenses from the public funds in his control.<sup>8</sup> The lists filed by Sheriff Middleton showed 18 deputies on his pay roll in 1934, 8 in 1935, and 9 in 1936.4 The testimony developed that these lists were grossly in error if not entirely fictitious.

What became of the "salaries" which were paid out is suggested by

the experience of Henry M. Lewis, chief deputy sheriff under Sheriff Middleton. According to the statements filed by the sheriff, he and his two colleagues who worked for the sheriff were paid at the rate of \$110 each month in 1934. In 1935 all three appeared as being paid at the rate of \$200 per month. The same rate continued for 1936, except that Mr. Lewis' name did not appear on the list.4 The sheriff explained that this omission was an "oversight," which had passed unnoticed because he did not keep "a very elaborate system of bookkeeping." <sup>5</sup> Mr. Lewis, however, did not keep the \$200, but was required to "kick-back" \$90 of it to the sheriff, leaving only \$110 as

his salary. Later he was "raised" to \$125 per month.

Mr. Lewis. \* He said he needed some little money so as to make the check \$200 and I gave him back \$90 and after a while I gave him back \$75.

Senator Thomas. How did you come to an agreement as to the difference between \$90 and \$75?

Mr. Lewis. He gave me a raise of \$15; he told me he would raise me \$15 a month.

Senator Thomas. And he would take it out of the kick-back? Mr. Lewis. Yes.

<sup>&</sup>lt;sup>1</sup> Testimony of Henry M. Lewis, pt. 11, p. 3996.

<sup>2</sup> Testimony of Henry M. Lewis, pt. 11, pp. 3996-4001.

<sup>3</sup> Testimony of Theodore R. Middleton, pt. 10, p. 3534.

<sup>4</sup> Pt. 10, exhibit 1199, pp. 3717-3718.

<sup>6</sup> Pt. 10, p. 3537.

<sup>6</sup> Pt. 11, p. 4005.

Mr. Lewis testified further that it was his understanding that the other two salaried employees also turned in their "kick-backs" to Sheriff Middleton.1 It is possible that the "salaries" of the other deputies, who performed no regular services, followed the same course to Sheriff Middleton's pocket. The sheriff refused to testify on this subject because he said it would

involve me in a lawsuit with the Federal Government on my income tax.3

Senator La Follette. Now, Sheriff, in order that the record may be clear, do you decline to comment upon Mr. Henry Lewis' testimony on the ground that you might incriminate yourself if you did?

Mr. Middleton. I do; yes, sir.3

In the light of this testimony, it is not possible to conclude that Sheriff Middleton paid any deputies out of public funds except the

three deputies actually employed by him at regular duties.

In addition to the three deputies who were regularly employed in the sheriff's office and who were paid out of county funds, Sheriff Middleton freely granted other deputy sheriff commissions. Between January 1, 1934, and March 1, 1937, the committee found, 369 deputy sheriffs received commissions from Sheriff Middleton. This unusual figure was accepted by the sheriff, who testified that "I imagine that is something near the number." It was not possible to establish the exact number of deputies because of the haphazard method with which the sheriff kept his records. Some of the deputies appointed by the sheriff were not even entered in the books of the county court as having been approved by the county judge. Sheriff Middleton testified that he did not "make any distinction" with respect to their powers and duties between such deputies and those who had been duly confirmed.

At the time the sheriff testified before the committee on April 15, 1937, according to the records examined by the committee, there were 163 deputies holding active commissions. This figure appeared

to surprise the sheriff, who said:

I have relieved a bunch of deputy sheriffs and I don't think I ought to have over a hundred.

He admitted, however, that "I am not positive of the exact number I have got; no, sir." 6

How the deputy sheriffs were paid is not clear. The sheriff disclaimed any responsibility in the matter.

Senator LA FOLLETTE. Don't you consider it a part of your duties as sheriff to ascertain who pays the salaries of the deputies who help you?

Mr. MIDDLETON. No, sir.7

A limited survey conducted by the committee disclosed that 181 of the 369 deputies appointed by the sheriff between January 1, 1934, and March 1, 1937, had been employed as police officers by certain of the

<sup>1</sup> Pt. 11, p. 4006.
2 Pt. 12, p. 4161.
3 Pt. 12, p. 4163.
4 A list of the deputies appointed by Sheriff Theodore R. Middleton, showing the dates of their appointments, appears in pt. 10 on pp. 3705-3716 as exhibit 1198-A.
5 Pt. 10, p. 3633.
6 Pt. 10, p. 3638.
7 Pt. 10, p. 3639.

coal companies, and these records were corroborated by the sheriff. In the case of two deputies, who were guarding the property of several coal companies in February 1937, the sheriff paid their salaries and was reimbursed by the coal companies on a pro rata basis.2 At least one deputy, Ben Unthank, was on the pay roll of the Harlan County Coal Operators' Association, an employers' association maintained by the coal companies.<sup>3</sup> The data made available to the committee was too fragmentary to permit any disclosure as to the actual number of the deputies who were on the pay rolls of the coal companies. The figures cited above offer simply a minimum estimate.

With reference to the caliber of the men who were deputized by Sheriff Middleton, the record leaves no room for doubt. Men convicted or indicted for homicide and other crimes were commissioned, armed with guns, and sent out in the county "to preserve the peace." Sheriff Middleton testified that no effort was made to set any standards which applicants for the position of deputy sheriff were required to meet.4 Commenting on the character of his deputies he said: "I think it is fairly good, some of them. Some of them may not be

so good." 5

A number of the sheriff's own relatives were commissioned as deputy sheriffs. Of these, several were of such notoriously violent character that the circuit court judge on several occasions publicly condemned them. Slemp Middleton, brother of the sheriff, served as a deputy sheriff in 1934 and in 1936. He was indicted six times by the grand jury, on different charges. On September 17, 1934, in ordering one of the cases removed to a different county for trial, the circuit court judge declared:

The defendant, Slemp Middleton, has been in a great deal of trouble in Harlan County, and stands indicted in the Harlan Circuit Court in several different cases, and because of his violence and lawless habits is now in the Harlan County jail on default in filing a peace bond. He is regarded as one of the most dangerous men in Harlan County, and the Court feels, in view of the great amount of criminal conduct that he has been connected with, that the motion of the Commonwealth's Attorney ought to be, and the same is hereby sustained, and this case is removed to the Boyle Circuit Court, and assigned for trial in said Court

The sheriff also appointed as deputy sheriffs other members o his family who had been involved in criminal conduct, including, among others, his cousins John, Merle, 10 Charles, 11 and Milt Middleton. 12 So violent were the members of the Middleton family that on September 17, 1934, the circuit court judge, in ordering the removal of the trial

The list appears in pt. 10, on pp. 3705-3716 as exhibit 1198-A.
Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3540-3543.
Testimony of George S. Ward, secretary of the Harlan County Coai Operators' Association, pt. 9, p. 3235.
Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3558.
Pt. 10, pp. 3558.
Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3558.
Abstract from the Commonwealth Orders of the Harlan circuit court, exhibit 1209, pt. 10, pp. 3727-3728.
Pt. 10, exhibit 1208, p. 3727.
A deputy sheriff in 1934 and 1936. See testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3559.
For criminal record, see pt. 10, exhibit 1210, pp. 3729-3720.
A deputy sheriff in 1934. See testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3562. For criminal record, see pt. 10, exhibit 1215, pp. 3730-3731.
A deputy sheriff in 1934 and 1937. See pt. 10, exhibit 1198-A, p. 3711. For criminal record, see pt. 10, exhibit 1222, p. 3733.
A deputy sheriff in 1934. See pt. 10, exhibit 1198-A, p. 3712. For criminal record, see pt. 10, p. 3733, exhibit 1221.

of John Middleton on an indictment for willful murder, gave the following grounds for his ruling:

because it is personally known to the Judge of this Judicial District that for several years last past, there has been more crime in Harlan County than any county in the State of Kentucky, that there has been almost a total disregard of the law, and of the life and liberty of the people, and there now exist more than 800 Commonwealth cases on the dockets of the Harlan Circuit Court, many of the charges being against the Middleton family, which is one of the largest families in Harlan County, and a great deal of intimidation of witnesses, and even killing of witnesses have taken place in this county, local jurymen are afraid to do their duty.1

The criminal conduct on the part of the deputies appointed by Sheriff Middleton was not committed merely by those who were members of his own family. The grand jury of Harlan County on May 5, 1934, in its final report, urged that the sheriff take steps to remove from office such deputy sheriffs as were charged with violating the laws which they were supposed to enforce. The report stated, in part:

We recommend to this court and to the Sheriff of Harlan County, Mr. T. R. Middleton, that the following persons be discharged from their positions as Deputy Sheriffs of Harlan County: Henry C. Stepp, Milt Middleton, Charlie Middleton, Logan Middleton, Merle Middleton, Bill Lewis, Tom Trent, and Palmer Cox.

Your Grand Jury reports that each of these men are under one or more indictments for felonies, and in the opinion of the Grand Jury are no longer suitable to

serve as officers charged with the enforcement of the very laws they stand indicted

It is apparent that in practically every homicide, which has occurred in Harlan County since the first of the year, officers figure prominently. A good officer should have the respect and support of all the citizens, but when he violates the law, he should be given no more consideration than any other individual. beg to state that until such time as these men have been cleared of the charges against them, they should not be allowed to serve as officers.2

Sheriff Middleton testified that he had no recollection of the orders of the circuit court, nor did he recall that recommendations of the grand jury were officially brought to his attention.3 It is certain, at least, that he took no action to remedy the situation which had justifiably aroused the indignation of the citizens of Harlan County. Among the deputies whom Sheriff Middleton appointed from January 1, 1934, to March 1, 1937, 37 had served sentences in the State reformatory at Frankfort for one or more violations of State law; 4 had been sentenced for murder; 14 had been sentenced for manslaughter; 3 had been sentenced for malicious shooting with intent to kill, and the others had served sentences for robbery, burglary, and grand larceny.4 Three deputies had been convicted for felonies and served time in the Federal penitentiary for violations of Federal law. addition to these convictions, 64 deputies had been indicted one or more times by the grand jury of Harlan County mostly for crimes of violence.<sup>6</sup> The sheriff after hearing the list of convictions and crimes charged against the deputies whom he had appointed to serve as peace officers made no comment on the character of his appointments.

3750.

These criminal records appear in pt. 10, exhibits 1209–1222 and 1227–1229, pp. 3727–3733 and pp. 3751–3752. 7 Pt. 10, p. 3570.

<sup>1</sup> Pt. 10, exhibit 1210, p. 3728.

<sup>Pt. 10, exhibit 1214, p. 3730.
Pt. 10, exhibit 1214, p. 3730.
Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3561-3562.
Determinate sentence records of these men appear in pt. 10 as exhibits 1223-A-1223-JJ, pp. 3734-3745.
The criminal records of these men appear in pt. 10 as exhibits 1225-A, 1225-B, and 1223-J, p. 3746 and p.</sup> 

The coal companies shared the responsibility with the sheriff for employing men with criminal records to act as guardians of their Tom Trent, indicted by the Harlan grand jury in 1934 for mayhem, malicious shooting and wounding, operating an automobile while drunk, and for being drunk in office, was employed as a peace officer in the company town of Benham by the Wisconsin Steel Co., a subsidiary of the International Harvester Co. Lee Fleenor was employed as a deputy from August 26, 1933, to April 1, 1934, by the Clover Splint Coal Co. Newell G. Alford, secretary, treasurer and general manager of this company, testified that Fleenor "left the employ of the company very suddenly when he was placed under arrest following a charge of murder in the courthouse." 2 Fleenor was sentenced to 15 years in the State penitentiary on November 30, 1934, for this offense.<sup>3</sup> Prior to his employment by the Clover Splint Coal Co., he had been indicted for murder in two cases and for malicious shooting in a third case in 1932. Mr. Alford said that the company had no knowledge of these indictments by the Harlan County grand jury, although it made a practice of investigating the records of its deputy sheriffs.

Pearl Bassham, vice president of the Harlan Wallins Coal Corporation, testified that his company made little effort to investigate the records of the deputies whom it employed. The Harlan Wallins Coal Corporation employed two deputy sheriffs at its mine at Verda, from 1933 through the first half of 1936. These men were Merle Middleton and Charles Middleton, both of whom had long criminal records. In 1936 two more deputy sheriffs were added, namely, Wash Irwin and Frank White. Wash Irwin also had a long criminal record.8 At another mine owned by the corporation in Harlan County, two other deputies were employed, Robert Eldridge and Jess Johnson, both of whom had criminal records. Mr. Bassham testified that the selection of the deputies whom he employed was the responsibility of the

sheriff.

Senator La Follette. What is your purpose, Mr. Bassham, in hiring guards to protect your property who have such records as this evidence shows?

Mr. Bassham. I did not have any purpose because they had had a criminal record in hiring them. Part of them were recommended to me by some sheriff,

or they were already deputy sheriffs when I hired them. 10

In commenting on the reputation for violence enjoyed by Charles Middleton, one of his deputies, Mr. Bassham stated that neither the record of Mr. Middleton nor the charges of the grand jury were persuasive upon him. Upon being questioned by Senator Thomas on this point, Mr. Bassham said that Mr. Middleton's criminal record "did not prevent his being hired" and "when this grand jury made

<sup>1</sup> Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3564-3565.

<sup>1</sup> Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3564-3565.
2 Pt. 11, p. 4054.
3 Pt. 10, p. 3729, exhibit 2213. He received a conditional pardon a year later, following which he was reappointed as a deputy sheriff by Sheriff Middleton. See testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3561.
4 Pt. 10, exhibit 1212, p. 3729.
5 Pt. 10, p. 3596.
7 Pt. 10, p. 3730, exhibit 1215 and p. 3733, exhibit 1222.
5 Pt. 10, p. 3751, exhibit 1227.
7 The criminal record of Robert Eldridge appears in pt. 10 as exhibit 1228 on pp. 3751-3752. The criminal record of Jess Johnson appears in pt. 10 as exhibit 1229 on p. 3752.
10 Pt. 10, p. 3597.

this recommendation, I think the man was employed by us at that time." 1

It is apparent from the above discussion that during the period under investigation by the committee there were a large number of deputy sheriffs in Harlan County, many of them desperate criminals, selected in a haphazard manner, and appointed with little formality. None of the deputies, except the three working in the office of the sheriff, were regularly employed on a public pay roll. The majority worked as company policemen in the different coal camps. Some worked as company police at large under the direction of Ben Unthank, a deputy on the pay roll of the Harlan County Coal Operators' Association. A large group, without any apparent regular source of income, were available to exercise the public authority delegated to them by the sheriff on behalf of such persons as were willing to pay them. Such was the state of "law enforcement" in Harlan County.

## SECTION 8. THE HARLAN COUNTY COAL OPERATORS' ASSOCIATION

The Harlan County Coal Operators' Association has been an integral, though unofficial, part of the government of Harlan County. The association was organized in October 1916 as a voluntary, unincorporated association for producers of coal in Harlan County.2 One of the principal functions of the association is to provide a means for taking collective action against labor organizations in Harlan County. The bylaws of the association describe this objective as follows:

Article III, Section (h): The establishment and maintenance of cordial and peaceful relations between the employer and employee, but resisting with all its power and influence all movements to force the coal operators to recognize or adopt the so-called "closed shop" policy or practices.

Although phrased in ambiguous terms, the testimony of George S. Ward, secretary of the association, revealed that the position of the association was one of unqualified opposition to any attempt on the part of the miners in the county to organize.4

Between 1927 and 1936, inclusive, there were 38 coal companies that were members of the association at one time or another. companies contributed a total of \$438,795.42 to the association during the 10-year period. In the years 1933 to 1937, 26 or 27 companies were active members of the association.<sup>5</sup> The captive mines of the United States Steel Corporation and of the International Harvester Co. were not affiliated with the association. The table on page 38 lists the members of the association and their contributions in the 10-year period beginning 1927.

<sup>&</sup>lt;sup>1</sup> Pt. 10, p. 3595. <sup>2</sup> Testimony of George S. Ward, pt. 9, p. 2321. <sup>3</sup> Pt. 9, exhibit 1100, p. 3269. <sup>4</sup> Pt. 10, pp. 3506-3507.

<sup>\*</sup> rt. 10, pp. 3007-3007.

\* Testimony of George S. Ward, pt. 10, pp. 3504-3507 and pt. 9, exhibit 1101, pp. 3272-3273.

\* See testimony of George S. Ward, pt. 11, pp. 3955-3957, with reference to special contributions from the United States Coal & Coke Co., subsidiary of the United States Steel Corporation, and the Wisconsin Steel Co., subsidiary of the International Harvester Co., in connection with the hearings conducted by the commission appointed by Governor Laffoon in 1935.

# Payments to the Harlan County, Ky., Coal Operators' Association by member companies, 1927-36, inclusive 1

[Figures taken from Harlan Coal Operators' Association ledger submitted to committee and entered in record as exhibit 1102]

Coal company	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	Total
Bardo Coal Co	\$828.98	\$933. 54	\$945,07	\$690, 75	\$730, 35	\$458.48	\$882, 54	\$321.58	\$715.91	\$763, 27	\$7, 270, 47
Berger Coal Mining Co	351. 77	291. 98	345. 96	380, 13	372, 27	307. 63	242.12	230.06	437. 63	300, 22	3, 259, 77
Black Mountain Corporation	001	201.00	4, 099, 77	3, 519, 87	3, 514, 53	2, 673, 94	3, 524, 80	3, 060, 96	4. 531. 37	4, 819, 32	29, 744, 56
Black Star Coal Co	5, 000, 88	4, 080, 20	4, 155, 05	3, 570, 71	5, 024. 25	4, 319, 30	4, 768. 05	2, 552, 67	2,807.99	3, 693. 01	39, 942, 11
Blue Diamond Coal Co.	0,000.00	1, 273. 60	1, 870, 60	1, 630, 81	1, 756. 80	1, 028, 47	1, 546, 13	1, 121. 86	1, 557. 97	1, 737, 48	13. 523. 72
Clover Fork Coal Co.	1, 728, 87	1, 798. 53	1, 331, 62	1, 080, 71	896.65	769. 23	1, 256, 61	535. 94	328.98	1, 625, 36	11, 352, 50
Clover Splint Coal Co.	2, 120.01	2,100.00	1, 237, 37	1, 780, 71	Resigned	998, 97	1. 342. 60	909. 24	209. 51	597. 28	7, 075, 68
Cornett-Lewis Coal Co.	3, 145, 80	2, 869, 63	2, 380, 77	1, 791, 17	1, 966, 90	1, 519, 10	1, 743, 80	1, 396, 76	1, 615, 04	2.147.43	20, 576, 40
L'reach Coal Co	2, 454, 01	2, 555, 91	2, 222, 12	2, 156, 94	2, 616, 61	1, 915. 11	2, 830. 22	1, 950, 17	2, 447. 54	2, 554, 24	23, 702, 87
Crummies Creek Coal Co. of Kentucky	2, 250. 68	2, 224, 87	2, 329, 49	2, 035, 16	1, 869, 23	1, 809, 76	2, 395. 81	1, 894, 09	2, 761, 59	2.846.94	22, 417, 62
Darby Coal Co.	412.31	-, 22 2. 01	2, 020. 10	Receivership	1,000.20	1,000.10	204.05	193.87	196.94		1,007.17
East-Harlan Coal Co. (Harlan Crown	11			100ci Cibilip			201.00	130.01	150. 31		1,007.17
Mining Co.)	845, 78	991.65	1, 054, 25	430.00							3, 321, 68
W. A. Ellison	427.00	90.00	37.50								554. <b>5</b> 0
Ellis-Knob Coal Co	500.00	00.00	01.00								500.00
Golden-Ash Coal Co	323, 25	101, 24									424. 49
Harlan Central Coal Co.	020.20	102.21					496. 36	651.48	810.80	854.45	2, 813. 69
Harlan Coal & Coke (Harlan Ridge-							430.00	001.40	010.00	001.10	2, 013. <b>U</b> 9
way Mining Co )	460, 60	380, 53	235, 80	223, 12	180.03						1, 483, 08
Harlan-Collieries Co.	1, 991, 79	2,005,39	1.749.38	1, 708. 78	2. 239. 96	914.69	1, 637, 17	1, 311. 09	1, 538, 55	2, 165. 77	17, 262, 57
Harlan-Fox Mining Co	641.75	577, 47	464, 31	528, 64	256.66	012.00	1,000.11	1,011.00	1,000.00	2, 100	2.468.83
Harlan Fuel Co.	2, 568, 30	2,941.61	2, 881, 12	2,005.62	2, 156. 29	1, 875, 74	1, 804. 17	1, 689. 27	2, 603, 73	3, 590, 10	24, 115, 95
Harlan Gas Coal Co. (Green-Silvers i	-,000.00	7,011.01	2,002.12	2,000.00	2, 200. 20	2,010,11	1,001.11	1,000.24	2,000.70	3, 350. 10	22, 110. 50
Coal Co.)	917. 13	854. 22	847.13	323, 92	696, 53	70, 73					3, 709, 66
Harlan Splint Coal Co	71.99	30		257. 78	000.00						329.77
Harlan Wallins Coal Corporation	3,041.72	2, 909, 44	3, 210, 89	3, 319. 07	4, 171, 86	4, 641, 18	6, 428, 10	4, 189, 07	6, 552, 68	8, 634, 66	47, 108, 67
High-Splint Coal Co.	1, 922, 55	2,012.80	1, 900, 05	1.829.81	1, 655, 06	1, 223, 17	1, 219. 55	1, 167, 32	1, 456, 30	1.315.74	15, 702, 35
Kentucky Cardinal Coal Corporation	797.01	718.41	491.33	460, 00	657. 61	679. 15	795.36	624.08	594, 64	526.84	6, 344, 43
King Harlan Co	2, 465, 35	1, 953, 04	1, 953, 76	2, 235, 79	2, 533. 19	2, 092, 68	1, 574, 17	1, 120, 04	1, 165, 25	169.74	17, 263, 01
Mahan-Ellison Coal Corporation	1, 256, 56	1, 457, 35	1, 163, 89	992, 19	893, 65	809.11	1, 127, 81	575.02	895, 56	964.38	10, 135, 52
Mary Helen Coal Corporation	2, 512, 14	2, 381, 83	2, 249, 85	1, 392, 93	1, 794, 72	1, 449, 11	2, 236, 95	1, 776. 28	2, 163, 82	2, 595, 24	20, 552, 87
Elkhorn Piney Coal Mining Co	2, 873, 68	2, 205, 22	1, 812, 66	1, 303, 50	1, 094, 85	1, 079, 78	1, 175, 70	710. 63	887. 29	1, 118, 67	14, 261, 98
Perkins-Harlan Coal Co	1, 204, 95	1, 195, 16	1,073.96	807. 21	857. 40	614.63	1, 063, 96	593.00		_,	7, 410, 27
Rex-Red Ash Coal Co	246, 96	144, 87									391, 83
Southern-Harlan Coal Co	853, 50	865, 55	803.58	723, 85	685.76	601.78	935, 34	875. 16	807, 95	721, 33	7, 873, 80
South Mining Co	1, 147, 22	1, 330, 36	1, 171, 22	799.61	723. 18	572, 39	1, 262, 58	799, 84	801.02	1, 202, 71	9, 810, 13
Three Point Coal Co.	934, 16	1, 273, 62	1, 270, 58	1, 405, 89	2, 258, 30	1, 276, 07	1, 661, 07	972.23	1, 723, 34	2, 106, 52	14, 881, 78
R. C. Tway Coal Co.	1, 592, 19	1, 471, 69	1, 253, 86	1, 040, 66	1, 692, 78	1, 293, 38	1,750.94	1, 417. 25	1, 535. 46	1, 466. 21	14, 514, 42
Utilities Coal Corporation (Kentucky	· .		,	,	,				-,	-,	- s, v. s. 10
King Coal Co.)	1, 703, 34	1, 720, 47	1, 509, 91	1, 591, 00	2, 137, 53	1, 563, 35	1, 475, 54	1, 005, 86	583, 13	494, 56	13, 784, 69
White Star Coal Co	326.03			,							326, 03
Wilson-Berger Coal Co	1, 338. 09	238. 92									1, 577. 01
							l	l	l		
Total	49, 136, 34	45, 849. 10	48, 052. 85	42, 019. 33	45, 432. 95	36, 556. 93	47, 381. 50	33, 624, 82	41, 729, 99	49,011.47	438, 795. 28

<sup>1</sup> Exhibit 1190.

In 1935 the Harlan County Coal Operators' Association had 26 paying members who contributed a total of \$41,729.99. These individual contributions were assessed on the basis of the amount of coal produced by each member company. Of these 26 members 1, the Black Mountain Corporation, operator of a captive mine, is owned by the Peabody Coal Co. and contributed \$4,531.37 in 1935, or 10.8 percent of the income of the Harlan County Coal Operators' Association. There were 16 other member companies of the association The Harlan Wallins which were controlled by nonresident interest Coal Corporation, which is controlled by carbain financial interests in Nashville, Tenn., contributed \$6,552.68 to the association in 1935, which amounted to 15.7 percent of its total income in that year. These 2 companies, therefore, contributed 26.5 percent of the total income of the association. The contributions of the 17 absentee-owned mining companies in Harlan County in 1935 amounted to \$27,305.78 or 65.4 percent of the total income of the association in that year. The 9 resident-owned coal-mining companies contributed a total of \$14,424.21 or 34.6 percent of the total income. It is obvious from these facts that the principal support of the Harlan County Coal Operators' Association comes from absentee-owned mining companies. The individual contributions of the members of the association in 1935 are shown in the following tabulation:

Contributions of coal companies to the Harlan County Coal Operators' Association in 1935

Company	Contributions	Percentage of total
Absentee-owned (captive): Black Mountain Corporation	\$4, 531. 37	10.8
Absentee-owned (others):  Bardo Coal Co Berger Coal Mining Co. Black Star Coal Co. Blue Diamond Coal Co Clover Splint Coal Co Darby Coal Co Harlan Wallins Coal Corporation High Splint Coal Co King Harlan Co. Mahan-Ellison Coal Corporation Mary Helen Coal Corporation Southern Harlan Coal Co South Mining Co. R. C. Tway Coal Co. Utilities Coal Corporation (Kentucky King Coal Co.)	2, 807. 99 1, 557. 97 209. 51 196. 94 6, 552. 68 1, 166. 30 1, 165. 25 895. 66 2, 163. 82 807. 95 801. 02	1, 7 1, 1 6, 7 3, 7 . 5 15, 7 8, 5 2, 2 5, 2 1, 9 3, 7 1, 4
Elkhorn Piney Coal Mining Co	887. 29	2. 1 54. 6
	22, 774. 41	
Total	27, 305, 78	65. 4
Resident-owned: Clover Fork Coal Co Cornett-Lewis Coal Co Creech Coal Co Crummies Creek Coal Co Harlan Central Coal Co Harlan Collieries Co Harlan Fuel Co Kentucky Cardinal Coal Corporation Three Point Coal Co	1, 723. 34	8 3.9 5.9 6.6 1.9 3.7 6.3 1.4 4.1
Total	14, 424, 21	34. 6
Grand total.	41, 729. 99	100.0

Sources: Pt. 10, exhibit 1190, p. 3677; exhibit 1176, pp. 3656-3657; pt. 15-O, exhibit 3127, pp. 6520-6521; exhibit 3137, p. 6527.

<sup>&</sup>lt;sup>1</sup> Affiliated with the Commonwealth Edison Co., of Chicago. The Commonwealth Edison Co., was formerly controlled by Samuel Insuli through Insuli Investments, Inc., and Middlewest Utilities Co.

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The association is governed by an executive board, composed of the president, vice president, and 11 nonoffice holding members. Between 1933 and 1934 membership on the executive board remained fairly constant. According to the testimony of Pearl Bassham representatives of the largest contributors to the association were elected to serve on the board.2 The membership of the board was as follows from 1933-37:

President, S. J. Dickerson Mary Helen Coal Corporation. Vice President, B. W. Whitfield (succeeded in 1936-37 by Charles Guthrie of Harlan Collieries). Secretary, George S. Ward. Elmer D. Hall Three Point Coal Co. D. B. Cornett

Cornett-Lewis Coal Co.
R. C. Tway

R. C. Tway Coal Co.

Pearl Bassham

Halan Wallins Coal Corporation.

Plack Mountain Corporation. E. J. Asbury..... Black Mountain Corporation. R. W. Creech Creech Coal Co. L. P. Johnson Crummies Creek Coal Co. J. C. Stras Kentucky Cardinal Coal Corporation. Harlan Fuel Co. Elzo Guthrie (succeeded in 1936-37 by A. F. Whitfield, Jr., of Clover Fork Coal Co.). W. A. Ellison\_ Mahan-Ellison Coal Corporation C. B. Burchfield Black Star Coal Co.

The Harlan County Coal Operators' Association maintained a close interest in the political affairs of the county. Mr. Ward, secretary of the association, denied that the association took any part in the politics of Harlan County.4 But, while acting as secretary of the association, he had, for a time, held the office of high sheriff, having been appointed to an interim term from November 1926 to November 1927 by the county judge, W. J. R. Howard, who was his brother-inlaw. In April 1937, Mr. Ward served as chairman of the Republican Committee of Harlan County. The chairman of the Democratic Committee of Harlan County was S. J. Dickenson, who was president of the Harlan County Coal Operators'; Association.6 Lee Ward, brother of George Ward, served as chief clerk, and after Mr. Lewis' resignation in February 1937, as chief deputy under Sheriff Middleton.7

Apart from its direct participation in public affairs in Harlan County, the association was able to assert the authority which it held by virtue of the combined power and wealth which its membership controlled in the county. The Commonwealth attorney, Daniel Boone Smith, expressed this fact in his testimony before the committee, when he stated:

I think the Coal Operators' Association is a very powerful thing.8

The influence which the Harlan County Coal Operators' Association exerted on the county officials was enhanced by the business

Pt. 12, p. 4316.

Pt. 9, p. 3269, exhibit 1100, bylaws, arts. 7 and 8.
 Testimony of Pearl Bassham, pt. 10, p. 3588.
 Pt. 10, exhibit 1188, p. 3676.

<sup>4</sup> Pt. 10, pp. 3524-3525.

Testimony of George S. Ward, pt. 10, p. 3504.
Testimony of George S. Ward, pt. 10, p. 3525.
Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3532.

arrangements which the county officials engaged in with members of the association. For example, Mr. Smith, after he was elected Commonwealth attorney in 1934, accepted monthly retainers amounting to \$175 a month from the Harlan Wallins Coal Corporation, the R. C. Tway Coal Co., and the Mary Helen Coal Corporation, all three companies being represented on the executive board of the Harlan County Coal Operators' Association. Prior to his election, Mr. Smith had on "one or two occasions" been consulted by or had done work for two of the companies, but he described this business as "in the nature of isolated instances \* \* \* and not of any major significance." 2 On the other hand, prior to his election, Mr. Smith had represented the United Mine Workers as their attorney. 3 The relationship between Mr. Smith and his clients among the coal companies took on a permanent character only after he was elected to office. Mr. Pearl Bassham, vice president of the Harlan Wallins Coal Corporation, not only paid a monthly retainer to Mr. Smith, but he also permitted him to raffle his used car to the miners at the Harlan Wallins mine. The raffle violated the State lottery law, which Mr. Smith was charged with enforcing.

Sheriff Theodore R. Middleton was also closely linked-with the members of the Harlan County Coal Operators' Association. Prominent members of the Harlan County Coal Operators' Association had signed the bonds which he was required to file to cover his activities

in office.

One of the coal operators who signed the sheriff's bonds was Pearl Bassham, vice president of the Harlan Wallins Coal Corporation, largest contributor to the Harlan County Coal Operators' Association. Mr. Bassham permitted the sheriff, after he took office, to take a quarter interest in the Verda Supply Co., which operated the company stores at the company towns of Verda and Molus owned by the Harlan Wallins Coal Corporation. In 1 year, on an investment of \$1,500, the sheriff received \$2,400 in dividends. The sheriff testified that he paid for his interest in the company, although his other testimony and his bank accounts disclosed that he did not possess sufficient amount of cash to cover the purchase at the time he acquired his interest.8

In March 1936 the sheriff entered into another lucrative business transaction with Mr. Bassham. Mr. Bassham arranged for the purchase of some coal lands in Harlan County for \$55,000, taking a third interest himself, and permitting Sheriff Theodore R. Middleton and County Judge Morris Saylor each to take a third interest. He then arranged for the Harlan Wallins Coal Corporation to lease the land. paying royalties of 6% or 6% cents per ton for coal extracted therefrom, with a minimum annual royalty of \$5,000 each to Sheriff Middleton and Judge Saylor. Mr. Bassham transferred his own third interest over to the Harlan Wallins Coal Corporation. The sheriff did not

<sup>1</sup> Testimony of Daniel Boone Smith, pt. 12, p. 4312.

Testimony of Daniel Boone Smith, pt. 12, p. 4309.

See p. 25. Testimony of Pearl Bassham, pt. 13, p. 4513.

<sup>See p. 30.
Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3545.
Testimony of Theodore R. Middleton, pt. 10, p. 3553.
See also pt. 10, p. 3578.
Testimony of Pearl Bassham, pt. 13, pp. 4514-4515.</sup> 

pay cash for his third interest of \$18,333.33. He borrowed \$8,333.33 from the Bank of Harlan on a note secured by the Harlan Wallins Coal Corporation.<sup>1</sup> Apparently the sheriff paid the balance of \$10,000 out of his own funds.2 The transaction, therefore, netted the sheriff at least a return of \$5,000 in 1 year on a \$10,000 investment, less the interest on his loan, which amounted perhaps to about \$416. if an interest rate of 5 percent is assumed.

Another profitable business enterprise engaged in by the sheriff was that of operating a dairy farm, the main clients of which were the commissaries of coal companies affiliated with the Harlan County Coal Operators' Association, including the Harlan Wallins Coal

Corporation.\*

The county judge, Morris Saylor, after he took office, likewise participated in profitable business ventures with Mr. Bassham of the Harlan Wallins Coal Corporation. He was permitted to acquire a quarter interest in the Verda Supply Co., which paid 170 percent dividends a year.4 He also was brought in by Mr. Bassham to share in the royalties paid by the Harlan Wallins Coal Corporation for the

rental of coal lands in Harlan County.

The Harlan County Coal Operators' Association, therefore, was a potent factor in the political life of Harlan County. The sheriff, Theodore R. Middleton, who had power to appoint deputy sheriffs, was closely allied to the association, some officials of which were his personal bondsmen, others were clients of his dairy business or partners in highly profitable business enterprises. The county judge, Morris Saylor, whose duty it was to confirm the appointments of deputy sheriffs, joined with the sheriff in two of the lucrative business deals, Also, the commonwealth attorney, Daniel Boone Smith, whose duty it was to prosecute violations of the criminal statutes, including crimes committed by deputy sheriffs, was on the pay roll of three of the coal companies who were represented on the executive board of the asso-A situation was thus created which made possible the surrender of the authority of the sheriff's office to individuals selected by the coal companies, by means of the power of the sheriff to appoint The consent of the county judge was assured, and complaisance of the commonwealth attorney, who might have checked abuses by the deputies through vigorous enforcement of the laws, was not beyond expectation. There remained only the task of selecting a person to coordinate the activities and to act as the unofficial chief of the army of desperadoes whom the sheriff had appointed as deputy The man chosen for this assignment was Ben Unthank, "field man" of the Harlan County Coal Operators' Association.

Ben Unthank was a deputy sheriff, on the pay roll of the Harlan County Coal Operators' Association. The association maintained for his use a large war chest on which he drew to pay for the espionage and terroristic activities which he initiated and directed.7 The details of the relationship between Unthank and the association are obscured

<sup>1</sup> Testimony of Pearl Bassham, pt. 13, pp. 4514-4515.
2 Testimony of Sheriff Theodore R. Middleton, pt. 12, p. 4154.
3 Testimony of Sheriff Theodore R. Middleton, pt. 12, pp. 4158-4159.
4 Testimony of Judge Morris Saylor, pt. 10, pp. 3572-3575.
5 Testimony of Pearl Bassham, pt. 13, pp. 4514-4515.
6 Testimony of George S. Ward, pt. 9, p. 3235.
7 Testimony of Larkin Baker, labor spy employed by Ben Unthank, pt. 10, p. 3471-3478.

because of the efforts of the association to obstruct the inquiry conducted by this committee. George S. Ward, secretary of the association, directly admitted that all the records relating to the activities of the association with regard to labor matters had been destroyed.

Mr. WARD. Well, just to be frank, I have anticipated an investigation for the last 3 or 4 years, and while I was not ashamed of the record, I just did not feel like keep-

ing a record that could be revealed to anybody that wanted to see it \* \* \*.

Senator LA FOLLETTE. But, Mr. Ward, the only implication that can be drawn from the destruction of records is, in any situation such as you have described, that the person responsible for their destruction has something that he wants to conceal, otherwise they would not be destroyed.

Mr. WARD. Well, that is the situation, and the implication will just have to be

drawn.1

Mr. Ward disclaimed any knowledge of Ben Unthank's activities, or of the persons whom he hired with the funds of the association. The committee obtained from the association two canceled checks for February 1937, one drawn to cash for \$1,252.68, and one to George Ward for \$1,075.2 Mr. Ward testified that he turned the total amount of \$2,327.68 over to Ben Unthank in cash.3 He said this was his usual practice.

Senator LA FOLLETTE. Well, just what does Mr. Unthank do? Does he come in and say he needs \$1,000 or \$1,200 or he needs \$1,500, and you just give it all

to him without any accounting or anything?

Mr. Ward. Yes; he comes in and tells me how much pay roll he needs.

Senator La Follette. And you just give him the cash and never ask him any questions about it?

Mr. WARD. I give him the cash and take no receipt at all.

Senator LA FOLLETTE. Do you think that is a very good business procedure? Mr. WARD. No, sir; I don't think so. I don't think it is good business pro-

Senator LA FOLLETTE. Why do you do it?

Mr. WARD. I just don't want to know anything about who he has got on there.

Senator La Follette. Mr. Ward, I direct you to be frank with this Committee. Why did you not want to know the names of the men?

Mr. Ward. I have answered the question the only way I know how to answer

you, Senator, as far as I am able, to say that I just did not want to know who they were.4

Ben Unthank fled the process of the committee. In spite of diligent efforts made to locate him, he remained in hiding until the inquiry into Harlan County had closed. George S. Ward not only failed to assist the committee in locating Ben Unthank, but he testified that when Ben Unthank reappeared he would be paid the salary he "earned" in the period during which he was dodging service by the committee.5

Mr. Ward admitted that Ben Unthank was employed by the association to handle the "organization situation," created by efforts of the United Mine Workers to organize the miners in the coal fields in Harlan County.<sup>6</sup> He also explained that during periods when the

Pt. 10, pp. 3510-3511.

<sup>Pt. 10, pp. 3510-3511.
Pt. 10, exhibit 1193, p. 3690.
Testimony of George S. Ward, pt. 10, pp. 3521-3522.
Pt. 10, pp. 3522-3524.
Testimony of George S. Ward, pt. 13, p. 4402.
Testimony of George S. Ward, pt. 10, p. 3521.</sup> 

union was conducting a vigorous campaign it was the practice of the association to double its dues in order to increase its revenue for the

purpose of hiring men to combat the union drive.1

The situation in Harlan County was peculiarly adapted to suppress efforts on the part of the miners to organize into unions for the purpose of collective bargaining. Relatively isolated from the rest of the country, sheltered in the mountains, the rulers of the coal fields were in a position to deny entry to the county by patrolling the few roads that led into the county. Through Ben Unthank, the activities of the gang of deputies were financed and organized. The county officials, including the sherif, the county judge, and the commonwealth attorney, were, to say the least, prepared to be friendly to the coal-operators' association. Pearl Bassham, largest contributor to the Harlan County Coal Operators' Association, and one of the most active members on its executive board,3 concurred on this point:

Senator La Follette. Now we have had testimony from you, Mr. Bassham, about company towns and the company houses and the leases under which you permit your employees to live in them. We have had testimony about your yellow-dog contract and about the munitions, about your deputies and about some of your business transactions with that. We have also had testimony about your business relations with the sheriff, the county judge, and the Commonwealth Attorney, Daniel Boone Smith. Taken together, don't these constitute very effective instruments for carrying out the objects of Paragraph H of article 3, of the bylaws of the association?

Mr. Bassham. I still don't know the bylaws of the association.

Senator La Follette. Well, in order that you may more intelligently answer

the question, I will read that paragraph.

"The establishment and maintenance of cordial and peaceful relations between the employer and employee but resisting with all of its power and influence all movements to force the coal operators to recognize or adopt the so-called closed shop policy or practices."

Mr. Bassham. Possibly it would, sir. Senator La Follette. You have not any doubt that they constitute very effective instrumentalities for carrying out this provision of the bylaws, have you? Mr. Bassham. I guess that is right.

Pt. 15-C, p. 6544, exhibit 3162. Pt. 10, pp. 3602-3603.

<sup>1</sup> Testimony of George S. Ward, pt. 10, pp. 3505-3507.

The Harlan-Wallins Coal Corporation contributed \$47,108.67 between 1927 and 1936 (pt. 10, p. 3677,

# CHAPTER III. THE COMPANY TOWN OF LYNCH, KY.

#### SECTION 1. THE ORGANIZATION OF LYNCH $^{1}$

The town of Lynch is situated at the eastern end of Harlan County. It is almost completely inhabited by employees of the United States Coal & Coke Co. The United States Coal & Coke Co. is a subsidiary of the-United States Steel Corporation.2 The only public thoroughfare in the community of Lynch is a highway which passes through the town.3 All else is owned by the United States Coal & Coke Co., except schools and churches. The schools in Lynch have been deeded to the independent school district and the churches are owned by "the churches themselves." All employees of the company who live in Lynch live in company-owned houses, and their leases are terminable if for any cause their employment with the company ceases. In other words, when a miner is laid off or discharged by the company, he is required to vacate his house in Lynch.

The only stores in Lynch are those owned by the United Supply Co. another wholly-owned subsidiary of the United States Steel Corporation. There are no independent stores within less than 5 or 6 miles of Lynch. In accordance with the general practice in company towns, the United States Coal & Coke Co. issues scrip to pay wages in advance of pay day. This scrip is redeemed by the company from employees and individuals only, but not from merchants. Thus the company has full power in the case of any one of its employees resident in Lynch to deprive him and his family of job, home, and

purchasing power.

The population of Lynch is between 11,000 and 12,000. It is an unincorporated town, and all the affairs of the town, such as rules and regulations with respect to fire hazards, health, sanitation, etc., are administered by officials or employees of the company, and are promulgated by the general superintendent of the mines. When questioned concerning the reason for Lynch's remaining unincorporated, Harry M. Moses, the general superintendent, stated that the principal reason was economy. He also stated that the company thought it necessary to have control over all the streets and other sections of the community, aside from the State road, because Lynch is essentially a town for the employees of the United States Coal & Coke Co. and there is no means of making a living in Lynch except to work for this company.10

<sup>&</sup>lt;sup>1</sup> This description of the town of Lynch is based on testimony taken by this committee on April 21 and 22, 1937. It is applicable as of that time.

<sup>1</sup> Pf. II, testimony of Harry M. Moses, general superintendent, United States Coal & Coke Co., p. 3942.

<sup>Pt. 11, testimony of Harry M. Moses, gene
Pt. 11, p. 3044.
Pt. 11, p. 3946.
Pt. 11, p. 3945, exhibit 1251, pp. 4067-4070.
Pt. 11, p. 3952.
Pt. 11, p. 3951.
Pt. 11, p. 3950.
Pt. 11, p. 3950.
Pt. 11, p. 3950.</sup> 

Testimony of Joseph R. Menefee, captain of company police, pt. 11, p. 3961.

Testimony of Harry M. Moses, pt. 11, pp. 3944-3945.

The police department of the United States Coal & Coke Co. is organized along military lines consisting, in normal times, of a captain, a lieutenant, a sergeant, and a number of patrolmen. In ordinary times the force consisted of about 13 men. In order that these men might have the power to make arrests or otherwise take action to maintain the peace, 3 of the men were commissioned as deputy sheriffs and 8 as county patrolmen.<sup>2</sup> The supervisor and the clerk were not commissioned as public officers. Thus the privately paid guards of the coal company were armed with the police power of the sovereign State and were expected to carry out, impartially, the func-

tions of public police.

The Lynch police force was originally organized by H. A. Chambers, superintendent of police of the H. C. Frick Coke Co., another of the coal-mining subsidiaries of the United States Steel Corporation.3 The president of the H. C. Frick Coke Co., with headquarters in Pittsburgh, Pa., is executive head of all the coal-mining subsidiaries of the United States Steel Corporation.4 Until April of 1936 expense accounts of the Lynch police force had to be sent to Mr. Chambers. Reports by J. R. Menefee, captain of police of United States Coal & Coke Co., continued to go to Mr. Chambers until November or December of 1936.3 The Lynch police expense accounts which were sent to Superintendent Chambers were approved by G. F. Ruch, assistant to the president of the H. C. Frick Coke Co. In addition, both Mr. Chambers and Mr. Ruch appear to have made periodical tours of inspection to Lynch in order to check the operations of the United States Coal & Coke Co. police force. Six of the men on the force came from the H. C. Frick Coke Co. in Pennsylvania and had had prior industrial police experience. This included about half of the force. In addition, the United States Coal & Coke Co. sent its supervisory officers to a police school conducted by the H. C. Frick Coke Co. at its Washington Run mine at Star Junction, Pa. Here men received instruction in "every phase of policemanship." 10 The school was presided over by Superintendent Chambers of the Frick company police system.

The evidence thus indicates that the police force of the United States Coal & Coke Co. in Lynch, Harlan County, is recruited by, trained by, and responsible to the superintendent of police of H. C. Frick Coke Co., the president of which is the chief executive of all the coal-mining subsidiaries of the United States Steel Corporation.

The company police in Lynch performed most of the duties that are normally attached to the office of a public police force in any city. It was the duty of the men to apprehend criminals, and be constantly on the lookout for certain individuals "billed entirely over the country

<sup>1</sup> Pt. 11, exhibit 1255, pp. 4072-4101.
2 Testimony of Harry M. Moses, pt. 11, p. 3957.
3 Testimony of Joseph R. Menefee, pt. 11, p. 3960.
4 Testimony of Harry M. Moses, pt. 11, p. 3965.
4 Pt. 11, exhibits 1259-1264, pp. 4115-4124; pt. 15-C, exhibits 3168-3203, pp. 6551-6579.
6 Testimony taken by the committee in its preliminary hearings indicated that Mr. Euch took a personal role in efforts to "hook" union men to act as labor spies on behalf of the United States Steel Corporation.
8ee Preliminary Hearings on S. Res. 206 (74th Cong., 2d sess.), p. 264 and p. 359.
1 Pt. 15-C, exhibit 3168, p. 6551; exhibit 3172, p. 6556; exhibit 3182, p. 6563; exhibit 3210, p. 6583.
1 Testimony of Joseph R. Menefee, pt. 11, p. 3966.
1 Pt. 11, exhibit 1256, pp. 4104-4105.
10 Pt. 11, p. 3967.

as criminals." They also made regular sanitary inspection of the town, enforced quarantine and otherwise aided in compelling compliance with health regulations,2

#### SECTION 2. TREATMENT OF UNION ORGANIZERS IN LYNCH

Lynch is an isolated community and can be entered by few routes because of the mountainous nature of the area in which it is located. It was a comparatively simple task for the company police to check up on the activities of union organizers when they attempted to operate in Lynch. An organizing drive was begun by the United Mine Workers of America soon after the passage of the National Industrial Recovery Act of 1933. In this initial attempt, the United Mine Workers did not send outside organizers into Lynch. A resident, James Westmoreland, coal loader, carried the burden of this work.

The company police stationed men in booths at each end of the only public highway passing through the town to ascertain whether they were going to a union meeting. James Westmoreland, president of the Lynch local of the United Mine Workers of America testified to this:

Senator LA FOLLETTE. Were you ever called because you left town? Mr. WESTMORELAND. I was called in because I had joined the union and I had They told me the car that I rode in.4

Despite the activities of Lynch's company police, a local of the U. M. W. was organized in July 1933. Because of the fear of its members that they would be discharged if it became known to the company that they were attending union meetings, the union held its initial meetings at night in a field outside of the city of Cumber-After the union had sufficient strength it held an open meeting in a hall in Cumberland, which was attended by about 500 miners. Two members of the Lynch police force and two members of the Benham police force stood outside the hall and noted the men who attended the meeting.6 Soon after this open meeting, the United States Coal & Coke Co. began to summon union members to the office of the mine inspector, one Mr. Henry, where they were told that they would be fired if they joined the U.M. W.7 Preparations were made in July and August of 1933 to meet this drive, when the police department at Lynch bought \$657.68 worth of tear gas and tear gas equipment from Federal Laboratories, Inc.8 In addition the Lynch police bought 500 30-30 rifle cartridges.9 They had 41 rifles, 21 revolvers, and 4 shot guns already on hand.10

The next step in the United States Coal & Coke Co.'s campaign against the U. M. W. organization drive was the formation of a company union. W. V. Whiteman, then general superintendent of Lynch, called a meeting of all company employees in the company's audi-

<sup>1</sup> Pt. 11, p. 3969. 2 Pt. 11, p. 3961. 3 Testimony of James Westmoreland, pt. 11, p. 3900.

<sup>4</sup> Pt. 11, p. 3901. Pt. 11, p. 3901.
Testimony of James Westmoreland, pt. 11, p. 3902.
Pt. 11, p. 3903.
Pt. 11, pp. 3903-3904.
Pt. 11, exhibits 1258-C, 1258-E, pp. 4107-4108.
Pt. 11, exhibit 1258-F, p. 4109.
Pt. 11, exhibit 1258-N, pp. 4113-4114.

torium. He then appointed the men who would run for office and the men who would conduct the election. The miners were not given an opportunity to vote on the question of whether they desired to have a company union.1 The formation of the company union was followed by a systematic campaign of discriminatory discharges of union members followed by their eviction from their homes in the town.<sup>2</sup> When the union took two of its cases of discrimination before the Bituminous Coal Labor Board the company refused to recognize the jurisdiction of the board and ignored the board's order to reinstate the discharged men.<sup>3</sup> The refusal of the United States Coal & Coke Co., to obey the decisions of the Bituminous Coal Labor Board was followed by the discharge of about 75 additional union members and thereafter the local at Lynch was dissolved.4

A second organizational drive was inaugurated in Lynch by the United Mine Workers in December 1934. A crew of 12 organizers under the direction of Dale P. Stapleton, international representative of the United Mine Workers of America, began an intensified drive in January 1935. The police force at Lynch was increased from its normal roster of 13 to 20 men. The police again purchased from Federal Laboratories \$1,006.20 worth of gas and gas equipment.6 In April 1935, after the drive of the United Mine Workers was frustrated,

the force was gradually reduced.7

An analysis of the activities of the company police in Lynch during the organizing drive indicates why it was necessary to increase the force. The first thing the company police sought to do was to exclude union organizers from Lynch. On or about December 22, 1934, William Milton Hall, organizer for the United Mine Workers, together with two of his coworkers, William Miller and John Stines, drove into Lynch. When Mr. Hall visited a miner in his home he was followed by a company policeman and warned, as related by Hall:

"Hall, we have told you our last time, this is the fourth time that you have been in this town and you are going to stay out of here." I said, "I am very sorry if I am undesirable around here." He said, "You are. We know what you are doing here." I said, "That is no secret. I am an organizer for the mine workers' union." They said, "We do not want it in this town." \*8

The town was private property; hence the company police followed a practice of compelling the union men and organizers to keep to the public highway and stay off company premises.9 This, however, was not sufficient. All strangers were subject to surveillance during an organizing drive, especially those who visited known or suspected union men. Even relatives were not exempted. For example, James Westmoreland's sister-in-law was forced out of his home and out of Lynch, without any explanation:

Senator LA Follette. But you did not mean by your previous response that they (friends) would meet any physical resistance if they attempted to come to your house?

<sup>1</sup> Testimony of James Westmoreland, pt. 11, p. 3904.

3 Testimony of James Westmoreland, pt. 11, p. 3905.

3 Pt. 11, pp. 3903-3909.

4 Pt. 11, p. 3910.

5 Testimony of Joseph R. Menefee, pt. 11, p. 3971 and exhibit 1255, pt. 11, pp. 4072-4081.

6 Pt. 11, exhibit 1258-B, p. 4107 and exhibit 1258-G, p. 4109.

7 Testimony of Joseph R. Menefee, pt. 11, p. 3971.

8 Testimony of William Milton Hall, pt. 11, p. 3923.

8 Testimony of Dale P. Stapleton, pt. 11, p. 3914.

Mr. WESTMORELAND. I don't know whether they would or not, but they did run my sister-in-law off.

Senator La Follexte. What? Mr. Westmordland. They did run my sister-in-law off. Made her leave.

Mr. WESTMORELAND. They did run my sister-in-law off. Made her leave. Senator LA FOLLECTE. Made her leave where?

Mr. WESTMORELAND. My home there in Lynch. Senator LA FOLLECTE. Tell us about that. What was the occasion for that? Mr. WESTMORELAND. She came up there from Berea College, where she was going to school, and was aiming to stay a week with me and she stayed one night with me; and John William Vinson came into the house———Senator LA FORTERING (interrupting). A deputy?

Senator La Follette (interrupting). A deputy?

Mr. Westmoreland. Yes, sir; he came in the house and asked her to leave the next morning.

Senator La Follette. Did he give any reason for it?
Mr. Westmoreland. I asked the reasons, but he never did say what reasons.

Senator LA FOLLETTE. Just ordered her to get out of your house?

Mr. Westmoreland. Told her she had to be gone by 12 o'clock. She had taken it lightly; she did not think he meant it; but he came there immediately after 12 o'clock and she was not gone and he said that if she was not gone in a short time he would put her out, and she got in her car and left. Senator LA FOLLETTE. Did he give any reason?

Mr. Westmoreland. No, sir; he never gave any reason. Senator La Follette. Had she committed any breach of the peace while she was visiting you?

Mr. WESTMORELAND. No, sir; and I wish you would get Mr. Hudson if you think she was not a nice girl at Berea College.

Senator LA FOLLETTE. I am not implying that she was not; but I am trying to find out why she was ordered out of your house and out of the community.

Mr. Westmoreland. I don't know myself.

Senator La Follette. Your rent had been deducted for that month, had it not? Mr. Westmoreland. Yes, sir.

Senator La Follette. From your wages?
Mr. Westmoreland. Yes, sir.
Senator La Follette. You were not back on your rent payments?
Mr. Westmoreland. No, sir; and I was not discharged from the company I was working.1

The fact that union organizers were excluded from the streets on which the men lived made it difficult for them to communicate with In an effort to overcome this obstacle the organizers the miners. utilized a sound truck from which they made speeches from the State highway. They were not long permitted to use so simple a device. Despite the presence of an officer, an unidentified man walked up to the sound car and broke the wires that ran from the microphone to the loudspeaker. Mr. Stapleton testified concerning this incident as

I was speaking opposite the drift mouth with men, where the men get in the man trip by Lynch early in the morning, and upon starting speaking the officers immediately came around the car, and there was a car immediately across the road from where I was parked, and blew a horn constantly to try to drown out the sound of my voice, and after speaking some 45 minutes some man went up and grabbed one of the wires that ran from the microphone down to the loud-speaker and jerked it in two. Officer Greenlee was standing present and saw it done, and he made no attempt to try to catch the fellow, even after I had asked him to do so.2

In the course of this incident, Officer Greenlee of the Lynch company police of the United States Coal & Coke Co., arrested the driver of Mr. Stapleton's car for not having a chauffeur's license, despite the fact that he had an operator's license and a driver's license.2

<sup>1</sup> Pt. 11, testimony of James Westmoreland, pp. 3907-3908.

Pt. 11, testimony of Dale P. Stapleton, p. 3916.

Organizers were not free on the streets of the town because they were company property; they were not free in their own homes; they were not free on the one public highway that crosses the town. the printed word did not escape the closest scrutiny and censorship of the police. The method in which the company police in Lynch treated freedom of the press is described as follows:

Mr. Stapleton. The men who were distributing the literature, some of it handbills, some United Mine Workers Journals, they were followed to the homes of the miners, and as this literature was given to the people in their homes, the officers followed them directly to the door and would take the literature from the hands of the party who had received it, and destroy it.1

On one occasion more extreme measures were taken to discourage distribution of literature. Unsuccessful in their efforts to approach the miners on the ground, the union took to the air and used an airplane to drop circulars on Harlan County communities. was not very successful, for anyone picking up these circulars from the ground was threatened with rough handling. An affidavit by a miner, Simon Williams, dated April 16, 1937, describes the method:

One day in March, 1937, an airplane flew over Harlan County dropping circulars. A Lynch policeman drove up in a car to where we were standing at Frog Level, between Benham and Cumberland, and asked if there was anyone who would dare pick up the circulars. A colored boy picked up one and the policeman slapped him down and whipped him and run him out and told him to get away and not fool with him. He mistreated the boy something awful.<sup>2</sup>

The activities of Lynch police were not confined to their own town. Mr. Stapleton testified that a meeting had been arranged in the hotel at Appalachia, Va., on February 20, 1935, between a group of U. M. W. organizers and E. H. Hollingsworth, president of the company union of United States Coal & Coke Co., to talk over the possibility of a transfer into the United Mine Workers of America of the company union membership.3 Theodore Roosevelt Clarke, U. M. W. organizer, testified concerning this meeting as follows:

Senator LA FOLLETTE. Were you present in the hotel at Appalachia at that time?

Mr. CLARKE. Yes, sir; I was in the next room to Chief Menefee, of Lynch.

Senator LA FOLLETTE. Did you see the chief there? Mr. CLARKE. I did.

Senator LA Follette. Will you describe the circumstances under which you saw him?

Mr. CLARKE. Yes. The weather was cold. The room that we were in, the room was No. 204, I believe it was. He was in the next room to us, and there was a connecting door between the two rooms, and we heard somebody talking rather loud in there and it was concerning us organizers in Lynch. So the radiator was right by the door and we were trying to get some heat in the radiator, so after I found he was talking about us, I made it a point to see who was doing the talking through the keyhole in the door, and straight in front of the keyhole was Chief Menefee, and he was talking to some fellow—I could not see who he was. could just see his legs and feet. And this fellow made a remark like this-Senator LA FOLLETTE. Which fellow?

Mr. CLARKE. I do not know who he was.

Senator LA FOLLETTE. It was not Captain Menefee?

Mr. CLARKE. No; it was not him. He was talking to Captain Menefee, and here was the remark he made, leaving out the curse words. He said "Why do you not kill him?" and Chief Menefee said "We cannot afford to do that." He said, "If we do, it will start a Senate investigation here, and we cannot stand that."

Testimony of Dale P. Stapleton, pt. 11, p. 3915,
 Pt. 15-C, exhibit 3383, p. 6670.
 Testimony of Dale P. Stapleton, pt. 11, p. 3920.

So we were sandwiched in there. They had a gang of gunmen, or whatever you call them, or whatever they were, between all of our rooms. So the gobetween man, Hollingsworth, he came up the fire escape.

Senator LA FOLLETTE. Was that Mr. Rose?

Mr. CLARKE. I do not remember his name. He said, "For God's sake, get out of here; you are framed". I asked him how he knew and he said, "I have seen about 25 thugs in town, and some of them are in the hotel now". I saw a fow of them but I did not know any of their names at that time few of them but I did not know any of their names at that time.

Senator LA FOLLETTE. Did you spend the night in the hotel?

Mr. CLARKE. No sir. We immediately got out because we thought it was the best policy.1

When Mr. Menefee was questioned on this matter by the committee, he denied categorically that he had a room at the hotel in Appalachia the night of this meeting. However, he retracted this denial when a copy of his expense account for February 20, 1935, was offered for the record showing that he claimed \$1.50 for room rent at Appalachia on this day, and \$1.80 for three meals at Appalachia.2

In their efforts to combat the United Mine Workers' 1935 organizing drive the Lynch company police force was helped by Sheriff Middleton and a crew of deputy sheriffs from the western portions of the county. The organizers sought to enter Lynch to conduct a mass meeting on January 6, 1935. They were met by Sheriff Middleton and a group of about 25 deputy sheriffs who prevented them from entering the town.3 One of the organizers, William Milton Hall, who did get through, managed to give a brief speech before he was seized by the deputies.4 Mr. Hall identified among the deputy sheriffs present, Ben Unthank, Frank White, and George Lee. deputy sheriff of Letcher County, one Robert Hart, entered Lynch at the time of this union meeting to serve a warrant on a charge of murder on some person who was said to be at this meeting. Hart entered Lynch he was seized by Sheriff Middleton's deputies, who arrested and disarmed him. Several hours later he was released. but only after some of the deputy sheriffs smashed his gun with a sledge hammer pursuant to Sheriff Middleton's orders. Apparently this assault was inspired by the fact that Hart was also a member of the United Mine Workers of America.

On February 9, 1935, Sheriff Middleton and his deputies again interfered with the organizing drive in Lynch. The United Mine Workers had rented a building in the incorporated town of Cumberland, which is in Harlan County, about a mile and a half from Lynch and Benham, as headquarters for the locals in those two towns. On the afternoon of February 9 Sheriff Middleton and a group of about 10 deputies entered the union headquarters and arrested the organizers present. They remained in the headquarters and continued arresting organizers as they appeared there. In the course of 2 hours they had arrested a total of 23.8 These organizers were searched as they were arrested.6

<sup>&</sup>lt;sup>1</sup> Testimony of Theodore Roosevelt Clarke, pt. 11, pp. 3935-3936. <sup>2</sup> Testimony of Joseph R. Menefee, pt. 11, pp. 3986-3987 and exhibit 1264, pt. 11, pp. 4123-4124. <sup>3</sup> Testimony of William Milton Hall, pt. 11, p. 3926.

Pt. 11, p. 3925.
 Testimony of William Milton Hall, pt. 11, p. 3925.
 Testimony of William Milton Hall, pt. 11, pp. 3925-3926.

They were shown no arrest warrants, and were allowed no bond. William Milton Hall, one of those arrested, testified:

Senator LA FOLLETTE. Were you one of those who was arrested at this mass arrest for vagrancy in Cumberland?
Mr. Hall. Yes, sir.
Senator La Follette. On February 9?
Mr. Hall. Yes, sir; I was.

Senator LA FOLLETTE. Were you able to identify or did you later learn the names of any of the deputies who arrested these men, including yourself? Mr. HALL. I recognized Sheriff Middleton. He is the man that arrested me.

Senator LA FOLLETTE. Any others?

Senator LA FOLLETTE. Any others?

Senator LA FOLLETTE. Any others?

Mr. Hall. No; I don't know the rest of them. Senator La Follette. Were you shown the warrant when you were arrested? Mr. HALL. No, sir.

Senator La Follette. Did you ask to see one?
Mr. Hall. I asked to see one.
Senator La Follette. What did he say?
Mr. Hall. He said that they don't need a warrant.

Senator La Follette. Did you learn what offense you were charged with? Mr. Hall. I did; on Monday morning. Senator La Follette. I mean at the time of your arrest?

Mr. HALL. No, sir; I did not.

Mr. HALL. I asked the sheriff if we would be allowed to file a bond, and he said, no, we could not.
Senator LA FOLLETTE. Did he explain why?

Mr. HALL. No; he said he just would not take a bond; that is all.1

They were taken to the jail in Cumberland where they were packed into cells so tightly—11 persons in a space 2 feet by 6—that all were compelled to remain standing.<sup>2</sup> Counsel for the Mine Workers characterized the situation as being similar to that in the Black Hole of Calcutta.3 Later they were all taken to the county jail in Harlan under the escort of a group of deputy sheriffs. They were kept in jail until February 11, 1935. On the afternoon of the following day all the men were brought before County Judge Saylor and arraigned on charges of "public nuisance." On the motion of County Attorney Elmon Middleton all of the charges were dismissed. However, 2 of the organizers, William Milton Hall and Tom White, were served with warrants in the courtroom, charging them with the use of boisterous language and provoking an assault on another. Mr. Hall was given a jury trial at which a colored driver for the United States Coal & Coke Co. testified that Hall had sworn at him.8 On the basis of this testimony Mr. Hall was fined \$10 in costs. case against Tom White was dropped on condition that he would stay out of the county. The United Mine Workers protested vigorously to the Governor against these malicious arrests on trumpedup charges for vagrancy. The Governor issued a special order to the Kentucky National Guard setting up a special commission to

Pt. 11, pp. 3925-3926.
Testimony of Tom White, pt. 11, p. 3929.
Statement of T. C. Townsend, preliminary hearings on S. Res. 266, p. 129.

Pt. 11, p. 3931.
Pt. 11, p. 3931.
Testimony of William Milton Hall, pt. 11, p. 3926.
Pt. 11, pp. 3928-3927.
Pt. 11, pp. 3927.
Pt. 11, p. 3927.

<sup>•</sup> Testimony of Tom White, pt. 11, pp. 3932-3933.

investigate the state of unrest which existed in Harlan County.1 This commission was headed by Brig. Gen. Henry H. Denhardt and it was on the basis of the findings of this commission that Governor Laffoon issued his charges against Sheriff Middleton.<sup>2</sup>

### "ROUGH SHADOWING" AND ESPIONAGE IN LYNCH

In the language of a detective, "rough shadowing" means to keep a man under open surveillance in such a manner that not only he knows he is being followed but anyone he meets becomes aware of it, too. The value of such a device to discourage contact with union organizers by workers in a mine or plant is obvious. It was the use of this method of discouraging self-organization on the part of the workers which probably made it necessary for the United States Coal & Coke Co. to increase the Lynch police force from 13 to 20. James Westmoreland testified that as soon as he was elected president of the U. M. W. local in Lynch in 1933, he was treated as follows:

Senator LA FOLLETTE. Now, after you organized this union and got a substantial number of members, as I understand your previous testimony, you were elected president of the local; is that correct?

Mr. WESTMORELAND. Yes, sir.

Senator La Follette. Were you able then to carry on your duties and activities and responsibilities as president of the local, openly?

Mr. Westmoreland. No, sir; I was not.

Senator La Follette. Why not? Tell us why not.

Mr. Westmoreland. Whenever I would come out of the mines a policeman

would meet me at the mouth and follow me up to the bathhouse and stand over me in the bathhouse. He would not allow me to speak to anybody; followed me to the store or home, or wherever I went; and those policemen would be right with me.
Senator LA FOLLETTE. Did you every try to speak to anybody?

Mr. Westmoreland. Yes; I did, but of course you know it would be futile

and place those in an embarrassing position, on the part of those that I would speak to, therefore I never did say anything.

Senator LA FOLLETTE. Can you name some of the deputies who accompanied

you as you have just described?
Mr. Westmoreland. Victor Creech, Captain Russel, John Yelenovsky, Frank Smith, William Vincent.
Senator La Follette. You say that they followed you from the mouth of the mine into the bathhouse and stood there while you were taking a bath, and they

followed you when you went to the store or any place else?

Mr. Westmoreland. Yes, sir.

Senator La Follette. How about your home?

Mr. Westmoreland. They stayed at my home.

Senator La Follette. Who stayed at your home?

Mr. Westmoreland. Those police just walked up and down in front of my house they of them.

house—two of them—taking a turn about; one in the night and one in the day.

Senator La Follette. Did your friends come to see you freely under those

circumstances?

Mr. Westmoreland. No, sir; they could not come. Senator La Follette. What do you mean they could not?

Mr. WESTMORELAND. If they did, they would be placed where they would be liable for a discharge if they came to my home.

When the organizers began their efforts to unionize Lynch in December of 1934, they underwent similar experiences. Dale Stapleton testified concerning these experiences as follows:

Senator LA FOLLETTE. Did your organizers make any attempt to solicit men to join the union at Lynch, on the streets?

Pt. 11, exhibit 1250, p. 3919. See also p. 73.
 See p. 73.
 Testimony of James Westmoreland, pt. 11, pp. 3906-3907.

Mr. Stapleton. Yes, sir.

Senator La Follette. What success did they have?

Mr. Stapleton. Well, they were rather successful in securing the signatures of the men upon these applications, but at the same time they were harassed by these so-called officers trailing along behind them and stepping on their heels and abusing them. They would not leave the main street after a certain length and abusing them. They would not leave the main street after a certain length of time. Every place that they would go, they were followed; I mean, close enough for heels to be stepped on. Naturally, the men working there would be reluctant to sign up under those conditions for fear of being discharged.

His sworn testimony was corroborated by one of his organizers, William Milton Hall, as follows:

Senator LA FOLLETTE. Did you hear Mr. Stapleton's statement that many of the men who were working with him in this organizational campaign were continually followed by deputy sheriffs or company police?

Mr. Hall. Yes, sir.

Senator La Follette. Was that your experience?

Mr. Hall. That was my experience. Every day I was there I was followed by them.2

Evidence of the existence of a spy system in Lynch, Ky., was found by the committee through examination of the expense accounts of Capt. Joseph R. Menefee of the Lynch police force. These expense accounts showed that shortly before the 1935 organizing drive in Lynch, Mr. Menefee had rented post-office boxes at Norton, Va.,3 headquarters of the U. M. W. organizers carrying on the drive, and at Appalachia, Va.,4 just across the line from Harlan County, one of the bases from which the organizers operated. When questioned concerning his reasons for hiring these boxes, Mr. Menefee was unable to explain them to the satisfaction of the committee, but finally admitted receiving reports on union activities at these boxes.

Senator LA FOLLETTE. Were you getting any reports on union activities at this post-office box in Norton?

Mr. MENEFEE. Yes, sir.

Senator La Follette. From whom? Mr. Menefee. Well, from my police force.

Senator LA FOLLETTE. Then your men were doing some undercover work, weren't they?

Mr. MENEFEE. Not necessarily undercover work.

Senator LA FOLLETTE. Well, they were doing some detective or espionage work, weren't they?

Mr. MENEFEE. What they could observe.

Senator LA FOLLETTE. And what they could hear?

Mr. Menefee. What they heard; yes.
Senator LA Follette. So, didn't you really, Mr. Menefee, get this box because you were getting some special reports at that time that you did not want to go through either the Lynch or the Gary boxes? Isn't that the fact? Mr. MENEFEE. I did get reports; yes, sir. Senator LA FOLLETTE. I say, isn't that the reason——

Mr. MENEFEE. That is not wholly the reason.

Senator LA FOLLETTE. Isn't that the primary reason?

Mr. MENEFEE. That is one of them.<sup>5</sup>

In view of all these activities of the company police in the company town of Lynch, it is easy to understand the complete failure of the attempts of the United Mine Workers to organize the miners of Lynch, in spite of many years of effort, until the company changed its labor policy.

Testimony of Dale P. Stapleton, pt. 11, p. 3915.
 Testimony of William Milton Hall, pt. 11, p. 3925.
 Pt. 11, exhibit 1259, pp. 4115-4117.
 Pt. 11, exhibit 1260, pp. 4117-4118.
 Testimony of Joseph R Menefee, pt. 11, pp. 3981-3982.

These conditions lasted as long as the United States Steel Corporation and its subsidiary, the United States Coal & Coke Co., were opposed to the recognition of bona fide unions and attempted to eradicate them from the communities in which they operated. The restrictions on organizational efforts continued at least until March John Young Brown, attorney for District 30 of the United Mine Workers, related his conversation with the superintendent and the captain of police, at Lynch on March 6, 1937, as follows:

Mr. Brown. \* \* \* I got to Gary and about 5 o'clock, Saturday afternoon, March 6 of this year, and had a conference with Mr. Harry Moses 1 and Captain Menefee. Mr. Michael Carroll had come over to Gary, and he was there when I got there and Mr. John Haratty, who is in charge of the Pikeville office of the United Mine Workers, went over with me and also a young organizer by the name of Tom Ramey from Pikeville, Ky., who drove us over there while we had the conference.

Senator LA FOLLETTE. Give us the substance of the conference.

Mr. Brown. I told Mr. Moses that my purpose there was to see if we could not get permission for the organizers to walk along the side streets, and to ring doorbells and to peacefully talk to members of the organization about coming into the United Mine Workers.

He told me that the policy of the company had not changed any. I had previously told him that it was our information that since the signing of Steel with the C. I. O., that we would not be met with the same resistance that we had previously met in Lynch, Ky. He told me that he had no notice of any change in the policy of the company, and he stated that their policy would be the same that it had always been.

I said, "Do you mean by that, that if our organizers on your company property on any of these side streets, that they will be arrested for trespassing?" He said He said

"For trespassing, or such other offenses as they may commit."

With the signing of a contract with the Steel Workers Organizing Committee in 1937, covering the plants of United States Steel Corporation, the mining subsidiaries were subject to pressure from the parent companies to fall in line. The H. C. Frick Coke Co., a subsidiary of the United States Steel Corporation, signed a contract with the United Mine Workers of America in April 1937. The United States Coal & Coke Co., in Lynch, also signed a contract covering the union's own membership with the United Mine Workers of America in the summer of 1938. Thus one motive behind the suppression of civil liberties no longer existed, and the police department of the United States Coal and Coke Co. could confine its activities to the simple and essential object of guarding property and life against encroachments by lawbreakers. Evidence indicates that the worst aspects of Lynch have been alleviated, for the time being, as a result of the recognition of the right of organization.

<sup>1</sup> Harry Moses, superintendent of the U. S. Coal & Coke Co. plants in Lynch.

Testimony of John Young Brown, pt. 11, pp. 3940-3941.

# CHAPTER IV.—INTERFERENCE WITH CIVIL LIBERTIES IN HARLAN COUNTY, 1933-35

In May 1932 a subcommittee of the Senate Committee on Manufactures held hearings on conditions in coal fields in Harlan and Bell Counties. Howard N. Eavenson, spokesman for the Harlan County Coal Operators' Association, told the committee that coal operators in Harlan County were unalterably opposed to attempts on the part of organizers for the United Mine Workers of America to meet with the miners in the county for the purpose of building up membership in the union. He stated that the opposition extended to all efforts to organize the miners on a union basis, and that union organizers were denied the right to speak to the mine workers.

Senator Costigan. What happens to a union organizer if he is discovered

talking to the mine workers?

Mr. EAVENSON. We have not had such a case, but if we had, we would ask a

deputy sheriff to escort him off the property.
Senator Costigan. Has that been done in other parts of the county?

Mr. EAVENSON. Yes, sir; all over the county.1

The coal operators were prepared to back up their policies with The coal camps maintained arsenals of weapons which were available for use against striking employees or visiting organizers. Even machine guns were part of the equipment available for use during labor disputes, according to the statement of Mr. Eavenson.

Senator Costigan. Are machine guns part of the equipment for protecting

Mr. EAVENSON. Some of the coal companies have them. We were on the verge of ordering them ourselves last year but we did not do it. We did not have any trouble. They are the submachine guns usually—the smaller sizes.

Senator Costigan. How are the machine guns purchased?

Mr. EAVENSON. The only way, I understand, is through the sheriff, as I understand it, none of the arms companies will ship any of those weapons in unless it is done through some recognized law officer.3

Mr. Eavenson went on to explain the purpose which machine guns served in industrial disputes:

In the case of a strike, when a guard goes out there, people shoot at him, and they do not come out in the open and do it either. They get up in the mountains behind trees and he is legitimate prey. That is the reason you have to have machine guns. The country is all woods. In ten minutes a man gets up there and the only way you can get any results is to spray the hill-side by machine guns.

The temper of the coal operators of Harlan County discouraged union activities within the county. The winding roads leading into Harlan County, patrolled by deputy sheriffs, many of them dangerous, heavily-armed criminals, were an uninviting prospect to union organ-

<sup>1</sup> Hearings before a subcommittee of the Senate Committee on Manufactures under S. Res. 178, 72d Cong. 1st sess., May 19, 1932, p. 211.

3 Ibid, p. 204.

4 Ibid, p. 205.

Miners within the county considered that the possibility of being met with a hail of machine-gun bullets set too high a price on the exercise of the right of self-organization for the purpose of collective bargaining. In 1932 not a single miner in Harlan County was a member of the United Mine Workers of America and "harmonious relations" between the coal operators and the miners were maintained by force of arms.

#### SECTION 1. UNION ORGANIZATION DRIVE UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

In June 1933 the Congress adopted section 7(a) of the National Industrial Recovery Act protecting the right of labor to organize for the purpose of collective bargaining. The miners, relying on the protection of the Federal Government, turned to the United Mine Workers of America in an effort to better their wages, hours, and working conditions. An organization campaign was conducted by district 19 of the United Mine Workers of America, which comprised the State of Tennessee and five counties in Southeastern Kentucky, with headquarters located at Jellico, Tenn.1 Lawrence ("Peggy") Dwyer, who had been a member of the United Mine Workers since 1911, was assigned, in June 1933, to act as organizer in charge in Harlan County to secure new members, and to assist local unions in settling disputes and grievances through collective bargaining. Mr. Dwyer was aided by other organizers, some of whom were residents of Harlan County. Proceeding cautiously at first, for fear of suffering violence at the hands of deputies employed by the coal operators, Mr. Dwyer and his assistants were soon able to develop momentum in the union drive. At the end of 4 months the union was able to compel the coal operators affiliated with the Harlan County Coal Operators' Association to sign an agreement, effective on October 2, 1933, and extending until Merch 31, 1934. The agreement was binding only upon members of the Harlan County Coal Operators' Association who had in their employ members of the United Mine Workers of At the time there were approximately 2,000 miners in Harlan County who had joined the union.4

The union met with bitter resistance from the Harlan County Coal Operators' Association. The association doubled its assessments for the months of July, August, September, October, and November 1933 in order to raise funds to use in "resisting the efforts to organize the county." 5 The funds were handled by Ben Unthank, "field man" of the association, who at that time was a deputy sheriff under John Henry Blair, high sheriff of Harlan County. Ben Unthank proceeded to carry on a campaign of terror against the organizers. In this he was effectively assisted by Deputy Sheriffs Frank White and George Lee.

In the summer of 1933 Ben Unthank approached Larkin Baker, assistant organizer under Lawrence Dwyer, and persuaded him to

<sup>1</sup> Testimony of William Turnblazer, president of district 19, pt. 10, p. 3619.
2 Testimony of Lawrence Dwyer, pt. 10, pp. 3459-3460.
3 The contract is set forth in pt. 10, exhibit 1182, pp. 3659-3674.
4 Pt. 10, exhibit 1171, p. 3653.
5 Testimony of George S. Ward, secretary, Harlan County Coal Operators' Association, pt. 10, p. 3506.
See also pt. 10, exhibit 1189, p. 3676.

act as a spy for the Harlan County Coal Operators' Association, Baker made reports to Mr. Unthank on the activities of the union, based on information which he obtained in his work as organizer, and later in his position as vice president of the Kentucky State Federation of Miners. He received \$75.00 a month plus expenses from Unthank, the payments being handled through John Surgener, a merchant in Harlan town, whose son was married to Ben Unthank's daughter.<sup>2</sup> At the same time Unthank also hired Chris Patterson, an unemployed miner who had been crippled in a mine accident, to do work for him as a spy in Harlan County.3 A third man employed by Unthank at the same time was Richard C. Tackett, a former Baldwin-Felts strike guard, who had been commissioned as a deputy sheriff under John Henry Blair. These three men, under the leadership of Unthank, assisted in a determined course of action to stop the organization of mine workers. The first step in their conspiracy was to eliminate the chief organizer, Lawrence Dwyer, by threatening his life.

The initial attack against Mr. Dwyer came within 8 weeks following the beginning of the union drive in June 1933. Mr. Dwyer went into Harlan County for the purpose of visiting the local union at the mining camp at Liggett. Larkin Baker notified George S. Ward, secretary of the Harlan County Coal Operators' Association, of Mr. Dwyer's intended trip. On his return from Liggett, Mr. Dwyer, accompanied by several other members of the United Mine Workers, was driving along a winding road 4 miles from the city of Harlan. While passing beneath a cliff covered by a clump of bushes, a volley of shots hailed from the top of the cliff and sprayed bullets over the car. Mr. Dwyer

described the incident as follows:

Mr. Dwyer. \* \* The first shot struck the glass, 4 inches from my face, throwing the glass all over me, and then shots just ripped into the car, the side of the car, and all around.

The young man I had driving the car, Mr. Reed, kind of lost control of the

The young man I had driving the car, Mr. Reed, kind of lost control of the car, and it started off the road, and I grabbed the wheel, and straightened it, and I patted him on the back and said, "Gloster, don't get excited," and just as I said that one of the men in the back seat, Bob Childress, shouted out to me, "Peggie, I am shot in the back." I said, "Oh, no."

Just the next breath Jim Bates, the other man, said, "I am shot in the hip."

After about a space of 200 feet, I guess, I got the car straightened, the wheels straightened, and I looked back, and as I looked back I saw the man coming from that cliff and bushes on to the highway. They had a car packed there. I recognized one of the men positively: the one that I recognized was Ben Unthank nized one of the men positively; the one that I recognized was Ben Unthank, and I wouldn't be as positive

Senator LA FOLLETTE (interrupting). How do you spell his name?

Mr. Dwyer. What?

Senator La Follette. How do you spell his name?

Mr. Dwyer (spelling). B-e-n U-n-t-h-a-n-k. The other man I wasn't as positive about, but I placed him as Frank White.

This time the organizers escaped with only two casualties. Lawrence Dwyer was still unharmed. A month later the attack on Mr. Dwyer was resumed. His home was located in Pineville, Bell County,

<sup>1</sup> Testimony of Larkin Baker, pt. 10, pp. 3471-3472.
2 Testimony of Larkin Baker, pt. 10, p. 3472. See also testimony of John Surgener, pt. 11, pp. 3991-3994.
3 Testimony of Chris Patterson, pt. 10, p. 3479.
4 Testimony of R. O. Tackett, pt. 10, pp. 3486-3487.
5 Testimony of Larkin Baker, pt. 10, p. 3473.
6 Pt. 10, pp. 3464-3465.

Ky., about 18 miles from Harlan County. Dwyer recounted before the committee that in September 1933:

I was stopping in the Parrott's Apartment in Pineville. At about 2:40 in the morning we had a dynamite explosion which tore up the house I was stopping in, broke all of the windows in all of the houses in that community, and I was not injured.

Chris Patterson testified that Larkin Baker and his wife had told him that Baker had set off the dynamite near the house, acting under Ben Unthank's instructions. The dynamite was furnished by Ben Unthank, who paid Baker \$100 for doing the job.2 Baker denied any connection with the dynamiting; however, he testified that after it took place, he took alarm at his job and attempted to break away from Ben Unthank. He said:

After the first explosion went off in Pineville, why, I quit the job, and Unthank, he never stopped from time to time until he got me out away from home, and at Pineville over there where he could talk with me again, and I dodged him as much as possible, and then when he did get hold of me and when we did get away from town at the end of the woods where we could talk, I told him that I had quit, and he had my pay day, a couple of my pay days in his pocket, and he insisted on me taking it and continuing on. I tried to get loose and I couldn't; he would not allow it. He told me that he would expose me, and he further went on to state that it would be a very easy matter for bim to lay the dynamiting on to me if he seen fit to. That was the first time. And I could not get away from him<sup>3</sup> could not get away from him.3

Ben Unthank was undaunted by failure in his first two attempts to eliminate Dwyer. In November Larkin Baker was sent by Ben Unthank to Pineville to make a sketch of the apartment in which Mr. Dwyer was living. Then, on or about November 24, 1933, Baker, Patterson, Tackett, and Unthank went down to Pineville. "floated around the beer rooms and messed around there until it got about 12 o'clock," and then, under cover of night, they went to Dwyer's house and dynamited it.<sup>5</sup> Peggy Dwyer was thrown out of bed. He received only minor injuries.<sup>6</sup> Chris Patterson testified that he obtained the dynamite from Ben Unthank and gave it to R. C. Tackett to set off. Tackett claimed that the others had set off the dynamite because he had pretended to be too drunk to do the job.8 Baker admitted receiving \$50 for his part in the dynamiting 9 and Patterson testified that he had received \$100 from Unthank, \$50 of which he turned over to Tackett.<sup>10</sup> According to Patterson the plot was laid in a grocery store owned by John Surgener.11

While Ben Unthank and his fellow conspirators were plotting to murder Lawrence Dwyer, the union was encountering similar hazards within Harlan County. In the summer of 1933 a preacher, B. H. Moses, who lived in a church at Black Bottom, near the mines of the Cornett-Lewis Coal Co. and the Clover Splint Coal Co., had permitted

<sup>1</sup> Testimony of Lawrence Dwyer, pt. 10, p. 3467, 2 Testimony of Chris Patterson, pt. 10, p. 3480. 3 Pt. 10, p. 3478.

<sup>Pt. 10, p. 3478.
Testimony of Larkin Baker, pt. 10, p. 3474.
Testimony of R. C. Tackett, pt. 10, p. 3490. See also transcript of testimony of Chris Patterson and R. O. Tackett in the case of Commonwealth of Kentucky v. Chris Patterson, Larkin Baker, et al, in the Bell County Circuit Court, March 2, 1934, pt. 10, exhibit 1231, pp. 3782-3785.
Testimony of Lawrence Dwyer, pt. 10, p. 3469.
Testimony of Chris Patterson, pt. 10, p. 3481.
Testimony of R. C. Tackett, pt. 10, p. 3491.
Pt. 10, p. 3474.
Pt. 10, p. 3481.
Mr. Surgener denied any connection with the dynamiting (pt. 11, p. 3994).</sup> 

<sup>11</sup> Pt. 10, p. 3481. Mr. Surgener denied any connection with the dynamiting (pt. 11, p. 3994).

union members to meet in his church. Mr. Moses discovered four sticks of dynamite placed in his church:

There was four sticks of dynamite placed in the building. My wife and four children were there sleeping. I was away from home at the time, and the next day I returned home, and my little daughter went into the church building. You see, there were rooms that I lived in beside the part that we used for a church, and the little girl went in the building and found the dynamite in there, and she came running out and told me there was something in the church house, and I went in there and I found four sticks of dynamite with 50 feet of fuse, burned within about 18 inches of the cap, and it went out. There had been a mass meeting supposed to be on a vacant lot the day before we found this dynamite, and at the time of the mass meeting it was raining and they asked me to turn them in the building, and I did so, and that night the dynamite was placed in the building.

He appealed to the Sheriff for protection. Several days later, Allen Bowlin, deputy sheriff, warned him that his life was in danger from the "two companies." Mr. Moses described the atmosphere of terror surrounding the church:

I went in home one morning and a few minutes after I walked into the house, a lady came crying and said that her husband told her to come and see me as quick as I can that they were aiming to kill me. The men that were my friends, men that were laying in the weeds around my house at night, they told me it was getting so hot they thought it was best for me to get away for a while.

Mr. Moses left his church and moved on into the Black Mountain A few days after he left, the church building was dynamited

and completely destroyed.

High Sheriff John Henry Blair and his deputies also took active part in the continual harassing of miners attending organization meetings. The first union meeting for the miners of Harlan County took place in June 1933 at Pineville, in Bell County, for fear of interference on the part of Harlan deputies. According to the testimony of Mr. Dwyer, deputy sheriffs from Bell County had to be posted on the road to prevent the deputy sheriffs from Harlan County from coming to Pineville for the purpose of disrupting the meeting. They were obliged to stop "two or three cars on the outside of the city, and the cars had gunmen, deputy sheriffs, in them, loaded down with rifles, shotguns, and pistols. They didn't enter Pineville." In July 1933 Theodore R. Middleton was chief of police of the

town of Harlan. He was then a candidate for the office of high sheriff. To obtain the miners' support he promised protection to them if they held their meetings within the corporate limits of Harlan When a meeting of the miners was arranged, he roped off the streets and 4 or 5 thousand people assembled undisturbed under his protection. Mr. Middleton also attended another meeting held by the miners at the town of Evarts on October 1, 1933, and stood guard next to the speaker. In spite of his presence, however, the meeting was broken up by a volley of high-powered-rifle shots fired from a nearby hillside. The persons who fired the shots were not apprehended.7

<sup>1</sup> Pt. 10, p. 3497. 2 Pt. 10, pp. 3497-3498, testimony of B. H. Moses. See also testimony of Allen Bowlin, pt. 10, pp. 3501-<sup>1</sup> Pt. 10, pp. 3498-3499. <sup>2</sup> Pt. 10, pp. 3498-3499. <sup>3</sup> Testimony of B. H. Moses, pt. 10, p. 3499. <sup>4</sup> Testimony of Lawrence Dwyer, pt. 10, p. 3461. <sup>5</sup> Testimony of Lawrence Dwyer, pt. 10, p. 3461. <sup>7</sup> Testimony of Lawrence Dwyer, pt. 10, p. 3467.

The acts of violence and terrorism throughout the county aroused the citizens against the county administration. The miners sought to remedy the situation by electing a new set of officials who would give them equal protection under the law. Beguiled by the campaign promises of Theodore R. Middleton, they elected him to the office of high sheriff. After the election, he warned Lawrence Dwyer to stay out of Harlan County. "For God's sakes, Peggy," Dwyer reported him to have urged, "don't go there until January 1, and I will protect you then." The miners waited with high hopes for the new administration to take office.

# SECTION 2. THE "REFORM" ADMINISTRATION OF SHERIFF MIDDLETON

When the new administration took office it gave promise of living up to its campaign pledges. One of the first acts of the new high sheriff was to arrest Ben Unthank, Larkin Baker, Chris Patterson, R. C. Tackett, and John Surgener on January 1, 1934. They were charged with conspiring to dynamite the home of Lawrence Dwyer at Pineville, in November 1933.2 The Harlan County Coal Operators' Association came to their defense. An attorney named Harvey Fuson appeared as their counsel. In part payment for his services, Larkin Baker gave Mr. Fuson \$250 which he had received for that purpose from Ben Unthank.<sup>3</sup> Baker, Patterson, and Tackett continued to receive their regular stipend from the Harlan County Coal Operators' Association while they were in jail.4 All five defendants were indicted and Chris Patterson came up for the first trial on March 2, 1934. He was found guilty and sentenced to 10 years in the penitentiary. Following the conviction of Patterson the prosecution failed to press the other cases,6 and they were filed away.7

This brief interlude of reform came to an abrupt end. Rumor drifted to the miners that the sheriff was intending to reappoint Ben Unthank and the other "road-killers" as deputy sheriffs. Lawrence Dwyer went to see the sheriff and discovered to his dismay that the rumor was true. According to Dwyer, Sheriff Middleton hung his head and said, "Well, Peggy, I was forced to do it on obligations I entered into during the primary." Ben Unthank, still under indictment, and his cohorts were reappointed by Sheriff Theodore R. Middleton and confirmed by the county judge, Morris Saylor, who was

also swept into office on the reform ticket.

The October 1933 contract of the United Mine Workers with the Harlan County Coal Operators' Association expired on March 31, 1934, and was extended for 1 month. When further extensions of the contract were refused, the members of the United Mine Workers ceased work. In Louellen, company town of the Cornett-Lewis mines, eviction notices were served on strike leaders, and on May 19,

<sup>&</sup>lt;sup>1</sup> Pt. 10, p. 3406, <sup>2</sup> Testimony of Larkin Baker, pt. 10, p. 3475. <sup>3</sup> Pt. 10, p. 3475. <sup>4</sup> Testimony of Larkin Baker, pt. 10, p. 3475; testimony of Chris Patterson, pt. 10, p. 3483; testimony

Festimony of Carkin Baker, pt. 10, p. 3473, testimony of Carls Fatterson, pt. 10, p. 3482.

Festimony of Chris Patterson, pt. 10, p. 3484. Patterson was pardoned by Governor Laftoon after serving 10 months of his sentence.

Festimony of Lawrence Dwyer, pt. 12, pp. 4341-4344, and testimony of Daniel Boone Smith, pt. 12, pp. 4341-4344. 4344-4345.

<sup>&</sup>lt;sup>7</sup> Testimony of Daniel Boone Smith, pt. 12, p. 4329.
<sup>8</sup> Testimony of Lawrence Dwyer, pt. 10, p. 3470.
<sup>8</sup> Testimony of Marshall A. Musick, pt. 11, p. 3816.

1934, the president of the local, Marshall A. Musick, was arrested by five deputy sheriffs, including Ben Unthank, Frank White, and George Lee, and was arraigned on a charge of criminal syndicalism. After being confined for 9½ hours, he was finally released on a \$5,000 bond. On May 21, Mr. Musick was brought to trial. At the trial Judge Saylor informed Mr. Musick that Superintendent Lawson of the Cornett-Lewis Co. was willing to dismiss the case against him as well as all the pending eviction cases if the men went back to work. The necessity for a decision on this offer was obviated, however, by the news from district president Turnblazer that the Harlan County Coal Operators' Association's contract with the U. M. W. had been renewed until March 31, 1935, and the men could go back to work. Mr. Musick was promptly released.

Although the United Mine Workers of America succeeded in renewing its contract with the Harlan County Coal Operators' Association, the union was unable to extend its membership in Harlan County. Coal operators continued to interfere with the right of union organizers to talk to the miners. Pearl Bassham, vice president of the Harlan Wallins Coal Corporation, admitted that he did not permit union

organizers to enter his company town.

Senator La Follette. Well, is it not a fact that the men who have come there representing the union have been chased off your property?

Mr. Bassham. I think that is right, sir.2

Even more drastic measures were taken by Mr. Bassham to discourage union activity in his camp. He hired his own group of strongarm men, popularly known as "thugs," who were assigned the task of harassing and beating union organizers and union members. activities under Mr. Bassham's bidding were supplementary to the efforts of the deputies under the leadership of Ben Unthank. Bassham recruited his "thugs" on the basis of their reputation for violence. In June 1933 he brought Bill C. ("Thug") Johnson from West. Virginia. Johnson had worked as a strikeguard for the Baldwin-Felts Detective Agency and had, on two occasions, been indicted for murder in West Virginia.3 Johnson's reputation had preceded him to Harlan County and he was summoned to come to the Harlan Wallins Coal Corporation. He was made a "cut boss" and was instructed "to fire all union men." In addition, while in the pay of the company, Johnson gave much time to "thugging," under the direction of Merle Middleton, who was a deputy sheriff in the employ of Pearl Bassham and a cousin of Sheriff Theodore R. Middleton. Johnson explained his duties:

Senator LA FOLLETTE. What do you mean by "thugging?" I do not understand that term.

Mr. Johnson. Out hunting for union men, organizers, etc., in Harlan County. Senator La Follette. You mean hunting for them, in what way? Not as you would hunt deer?

Mr. Johnson. Well, I never did kill nobody—in Harlan County.

<sup>&</sup>lt;sup>1</sup> Testimony of Marshall A. Musick, pt. 11, p. 3819, and testimony of R. E. Lawson, pt. 11, pp. 3851-

Senator La Follette. What did you mean when you said that you had been out with Jim Matt Johnson thugging and you told me-that was hunting union men? Tell us some of your experience in that kind of work.

Mr. Johnson. What they said we would do, we would catch them and take

them out and bump them off.

Senator LA FOLLETTE. How many were there in the organization with you working in the Harlan Wallins Coal Corporation?

Mr. Johnson. Well, it seemed like they could call a crowd of 15 or 20, or 25

pretty quick.1

"Thug" Johnson remained with the Harlan Wallins Coal Corporation until March 1, 1935. Mr. Bassham, who was present when Johnson was on the witness stand, confirmed the testimony of his former employee:

Senator LA FOLLETTE. Then the committee is justified in assuming that they were members of this "thug gang." Is that true?

Mr. Bassham. Yes, sir; as far as I know.

Senator La Follette. And it would not have been contrary to the policy of the company to pay him ("Thug" Johnson) for doing those jobs, would it? Mr. Bassham. No; I don't think it would.

By the summer of 1934, Harlan County was again at the mercy of armed gangs of men in the pay of the coal operators. Deputy Sheriff Ben Unthank, "field man" of the Harlan County Coal Operators' Association, and his aides, Frank White and George Lee, led one band of men, chiefly composed of deputy sheriffs. Deputy Sheriff Merle Middleton, of the Harlan Wallins Coal Corporation, headed Pearl Bassham's thug gang, and was known as "chief thug." 3 At first the union camps were not interfered with, but the miners were not permitted to hold public meetings. Organizers were ambushed on the highways as they attempted to drive through the county on union business.

In June 1934 the union called a mass meeting to be held near Verda. company town of Pearl Bassham's Harlan Wallins Coal Corporation. to encourage the miners to join the union. Union members in the other coal towns came toward Verda to attend the meeting. Immediately, the gangs went into action. George Lee and Frank White, lieutenants of Ben Unthank, and a band of deputies appeared at Verda, summoned by the high sheriff, Theodore R. Middleton. The thug gang led by Merle Middleton supplemented their forces. "Thug" Johnson explained what their duties were:

Mr. Johnson. We had orders to keep organizers and union men and all automobiles out of Verda and patrol the road and turn them back from each way. That read comes two ways, you understand—coming down and coming upand I was down the road sometimes and up the road sometimes.

Senator La Follette. You were there to keep the miners from coming up

the road to the meeting?

Mr. Johnson. Up the road or down the road, whichever way I was headed.

One group of union men walked down the right-of-way of the railroad leading from the Black Mountain camp toward Verda. B. H. Moses, the preacher, testified that when they reached the Kildav camp near Verda they were met by deputies:

<sup>&</sup>lt;sup>1</sup> Pt. 12, p. 4357.

Pt. 12, p. 4307.

Pt. 13, p. 4504.

Testimony of Bill C. Johnson, pt. 13, p. 4563.

Testimony of Deputy Sheriff Hugh Taylor, pt. 11, p. 3883; testimony of B. H. Moses, pt. 10, p. 3641.

Pt. 12, p. 4357.

\* there was something I suppose in the neighborhood of 75 or 80 men in the crowd of so-called peace officers that were armed with pistols, shot guns and rifles. 1

From the road above the embankment the deputies poured out of cars, brandishing pistols and guns, turned the miners back and followed

them to the Draper camp.

One of the deputies, Ted Creech, who is also superintendent of the Creech Coal Co., of which his father is president, was carrying a submachine gun. He testified that he "could not recall back that far," but he claimed his memory served him well enough to deny under oath that he ever had a submachine gun or machine gun in his hands in Harlan County.2 However, Mr. Creech's machine gun attracted the attention of some of the other members of the gang. Deputy Sheriff Hugh Taylor recalled the machine gun very vividly,3 and "Thug" Johnson had the following recollection concerning Mr. Creech's weapons:

Mr. Johnson. He took me to a car—I don't know whether it was his car or not, but a car—and showed me over some guns.

Senator LA FOLLETTE. What kind of guns were they?

Mr. Johnson. He showed me one of them that was a submachine gun. He had it in his hand.

Senator La Follette. How did you know it was a machine gun?

Mr. Johnson. Well, I was not very much acquainted with the submachine gun; that is the reason why I took an interest in his showing me. But a 30-30 and shotgun were in the car. I have handled them, and I have had them in my hands before that,

Senator LA FOLLETTE. Did anyone tell you that was a submachine gun?

Mr. Johnson. He told me that it was a submachine gun.

Senator La Follette. Who did? Mr. Creech?

Mr. Johnson. Yes, sir.4

Shortly thereafter, in June 1934, the miners attempted to hold another public meeting under the auspices of the union in Harlan County, and W. P. Morrell, former Governor of Kentucky, was invited to address the gathering. Once more the deputy sheriffs, led by George Lee, and the "thug gang" of Merle Middleton prevented the miners from passing along the public highways to reach the meet-Marshall A. Musick, a minister of the gospel, who had lived in Harlan County for 14 years, and was then employed by the Cornett-Lewis Coal Co. at Louellen, was proceeding to the meeting with a group of approximately 50 miners when they encountered a band of 17 deputy sheriffs and "thugs" at a railroad crossing near High Splint.<sup>5</sup> As in the attack at Verda, carloads of deputies drove up to the miners, and unloaded and proceeded with drawn weapons to drive the miners The miners scattered and ran up the railroad tracks which were beside the highway; but many were overtaken by the deputies and were severely kicked and beaten. George Lee came upon Mr. Musick and jabbed him with his automatic rifle, fracturing a hip bone, which rendered him helpless. Merle Middleton came upon him.

Pt. 10 p. 3641.
Pt. 11, p. 3884.
Pt. 11, p. 3883.
Pt. 12, p. 4358.

Testimony of Marshall A. Musick, pt. 11, p. 3810.

and proceeded to kick him, repeatedly, across the entire breadth of the railroad right-of-way, which was three tracks wide at that point.1

"Thug" Johnson testified that Merle Middleton had brought his thug gang with him, first arming them with shotguns and rifles taken from the office of the Harlan Wallins Coal Corporation. He had given them the following instructions:

My orders was not to let nobody stop. I was to keep them from going on the road, and tear all the signs down that were posted. I pulled some signs down myself.2

Johnson stood by as Merle Middleton was kicking one man, and testified that Middleton cried:

Whoop 'em up, Johnson!

meaning, according to Johnson,

He wanted it done in a bigger hurry.

The incident was witnessed by the Reverend Carl E. Vogel, at that time minister of the Cornett Memorial Methodist Church, in Harlan town, who described it as follows:

And while on my way, just as I approached the railroad crossing on the highway at Benito, Ky., the road was blocked, with the exception of perhaps enough room for one car to pass on my left; and I pulled up behind the cars that were parked there and observed that there was something of more or less a riot or disturbance taking place on the highway, and I watched for possibly 4 or 5 minutes, and when another car of deptuy sheriffs passed by and happened to see me, knowing of my presence there, they went up to the head of the line of are and upon ing of my presence there, they went up to the head of the line of cars, and upon arriving at the head of the line of cars they immediately got out and flagged me by, and I drove by in low and observed what was taking place as best I could.

Senator LA FOLLETTE. And what was taking place?

Mr. Vogel. The deputy sheriffs were driving back on that public highway a

group of miners in their shirtsleeves who were coming down toward Benito. They were driving them back up the valley toward Clover Splint and High Splint and Louellen.

Senator La Follette. Were the deputies armed?

Mr. Vogel. Yes, sir; they were. At least a number of them were, for I saw their

Senator LA FOLLETTE. What was the nature of the arms?

Mr. Vogel. They had revolvers and rifles.

Senator LA FOLLETTE. Did you see any arms in the group of miners?

Mr. Vogel. I did not.
Senator LA Follette. Were they apparently offering any physical resistance?
Mr. Vogel. They were not when I saw them. No physical resistance had been offered by any miner under my observation, but I did see the deputy sheriffs use their weapons at least in one instance. A deputy had a gun and whipped toward a man, striking him evidently in the face, for as I saw the man's face it was bleeding.

Senator La Follette. Did you ascertain what caused this altercation?

Mr. Vogel. I did.

Senator LA FOLLETTE. What was it?

Mr. Vogel. I was told that these men were going to Shields, Ky., to what they called a union speaking, and that the deputies were opposing their attendance at that meeting and were not permitting them to go. Senator LA FOLLETTE. Was this a public highway?

Mr. Vogel. It was.4

<sup>&</sup>lt;sup>1</sup> Testimony of Marshall A. Musick, pt. 11, p. 3810-3811.

Pt. 12, p. 4359.

Testimony of Bill C. Johnson, pt. 12, p. 4395. Merle Middleton "did not recall" what took place (testimony of Merle Middleton, pt. 13, pp. 4570-4571).

Pt. 10, pp. 3612-3613.

In the summer of 1934, three local organizers were appointed to Harlan County by William Turnblazer, president of District 19, U. M. W., to assist Mr. Dwyer and his staff. James Westmoreland, a former employee of the United States Coal & Coke Co., at Lynch, Harlan County, was appointed to assist the locals at the eastern end of the county. Marshall A. Musick, who was employed at the Cornett-Lewis Coal Co., at Louellen, was assigned to locals in the center of the county. William Clontz, a former employee of the Creech Coal Co. and a resident of Wallins Creek, was directed to assist organization work in the western end of the county. The efforts of these men to assist the unions made them targets for the attacks of the "thugs" and deputy sheriffs. As soon as he was appointed as a paid organizer, Mr. Musick was dismissed from the Cornett-Lewis Coal Co. where he was employed as a checkweighman by the miners, and he was evicted from his home in the company town of Louellen.<sup>2</sup> He moved his family to a house at Evarts, an incorporated town near the mines of the Black Mountain Corporation. His duties required him to travel around the county, visiting the local unions and advising them on their problems. He testified that wherever he went he was continually followed by deputy sheriffs and ordered out of the company towns. At times, to avoid his pursuers, he resorted to disguises:

Mr. Musick. I have artificial teeth, a false set of teeth, and I carried with me in the car a bank cap and an overall jacket, and when I was trapped by a bunch of these deputies, I removed my teeth and blackened my face with some dirt off this bank cap, and put the bank cap on, in order to disfigure myself so that they could not identify me, and a number of times I slipped out of the trap because there was a bunch of deputies on either end of the highway.

Senator LA FOLLETTE. Did you ever have any occasion when you were unable

to return to your home at night?

Mr. Musick. Yes, sir.

Senator LA FOLLETTE. What did you do under those circumstances?

Mr. Musick. I generally stayed until along toward daylight or late in the night, until the road became clear, so that I could get back to my home. Senator LA FOLLETTE. Well, where would you stay?

Mr. Musick. I would stay with the miners.

For attempting to assist miners to exercise their rights of self-organization for collective bargaining, guaranteed to them by a Federal statute, organizers in Harlan County were forced to steal around the public highways like hunted animals. This analogy was one which Sheriff Theodore R. Middleton himself found apt. Addressing a group of deputies and thugs at his office in Harlan, in the fall of 1934, Sheriff Middleton jocosely remarked that "it was open season on organizers." The suggestion was taken seriously. Deputy Sheriff Ben Unthank, "field man" for the Harlan County Coal Operators' Association, contacted Larkin Baker, who was still on his pay roll in the fall of 1934, and arranged with him to hire a man to assassinate Lawrence Dwyer, chief organizer for the union. He gave Baker a Winchester shotgun and promised him seven or eight hundred dollars if he was able to find a man to commit the murder. Larkin Baker found a man who insisted on being paid in advance, but after prolonged haggling the deal fell through.

Testimony of Marshall A. Musick, pt. 11, p. 3820.

Pt. 11, p. 3812.
Testimony of Sheriff Theodore R. Middleton, pt. 13, p. 4585; and testimony of Bill C. Johnson, pt. 12, p. 4367.

\* Testimony of Larkin Baker, pt. 10, pp. 3476-3477.

In the fall of 1934, Ben Unthank also approached Lawrence Howard, a grocery clerk at Wallins Creek, who was a neighbor of William Clontz, organizer for the union in the western part of the county. Howard was related to Ben Unthank by marriage. Unthank offered Howard \$100 to shoot into Clontz's house. Howard refused. The following day, he was picked up by George Lee, who was driving through Wallins Creek, and Lee repeated to him Unthank's proposal and offered to furnish a gun if he would accept. Howard refused again. The following night Howard heard a burst of gunfire. He went downstairs and turned on the porch light and, looking down the street which was then illuminated by the lights from his house, from a nearby filling station, and from the grocery store across the street, he saw Ben Unthank, George Lee, and Frank White climb into a car and drive off.2

The shots heard by Mr. Howard riddled the home of William Clontz. Mr. Clontz was out of town at the time but his wife and son were sleeping in the house. On his return he found the following damage done:

There were 10 shots fired through the house, going through the front, through the middle walls—the plastered walls—into the third wall, and into the dining room; four bullets going into my boy's bedroom, one just above his body, one under his body, and one under his head, and one under his pillow, missing his head something like an inch or an inch and a half, and splitting the mattress open; and I took a .45 bullet out of the mattress under the boy's head.

Mr. Clontz appealed in vain to Sheriff Middleton for protection. His conversation with the sheriff was as follows:

Mr. CLONTZ. I then pleaded with him to come down and help me investigate, d he refused me. I said: "You being the high sheriff of Harlan County and and he refused me. under obligation, you are supposed to give protection to the citizens of Harlan County. I am a citizen and a taxpayer, and I have never been in jail, and I never been indicted for anything and always tried to do the right thing, and I think it is your duty to come down and help me investigate it." He said, "I am

Senator LA FOLLETTE. Did you take it up again with the sheriff?

Mr. CLONTZ. And I said to him: "What do you aim for me to do?—you being the sheriff—and I just ask you, what do you aim for me to do?" He said, "The only thing I know for you to do is to leave the county." And I said: "I refuse to leave the county under your authority or anyone else. I am a taxpayer and a citizen of this county, and been here since 1913, and I refuse to leave under those orders."

The Sheriff admitted that Mr. Clontz's testimony was true:

Senator LA FOLLETTE. Did you hear the testimony of Mr. Clontz?

Mr. MIDDLETON. I did.
Senator LA FOLLETTE. Did you hear him testify that after his house was shot into he asked you what you were going to do for him and that you said, "The only thing I know for you to do is to leave the county"?

Mr. MIDDLETON. I did.

Senator LA FOLLETTE. Did you make the statement or words to that effect, to him?

Mr. MIDDLETON. Well, I probably did, in substance.5

<sup>1</sup> Pt. 12, p. 4250.

3 Testimony of Lawrence Howard, pt. 10, pp. 3635-3638. George Lee and Frank White denied their part in this incident (pt. 10, pp. 3642-3643). Ben Unthank avoided the process of this committee and was not available as a witness.

3 Testimony of William Clontz, pt. 10, p. 3630.

4 Pt. 10, p. 3631.

5 Pt. 13, pp. 4425-4426.

From the union organizers Ben Unthank shifted his attacks against union locals. In the first week of November 1934, the union local at the Cornett-Lewis Coal Co., at Louellen was broken following a pattern which soon became familiar in the county. According to the testimony of James Westmoreland, an organizer, the union had had difficulty with R. E. Lawson, general manager of the mine, because he had threatened to discharge miners who were in debt to the company if they signed authorizations for checking off their union dues from At the end of October 1934, the company discharged 55 their wages. men, apparently without cause, and replaced them with new help. On attempting to adjust-the grievance, Mr. Westmoreland reported Mr. Lawson to have told him: "I am not going to have anything to do with the union." The union voted to strike in protest. The following day Mr. Westmoreland drove to the mine, where he found a group of 15 or 16 deputies patrolling the company town. Ben Unthank, George Lee, and Frank White followed his car and forced him to leave the town. While driving through, he testified, he saw the deputies, armed with revolvers and shotguns, taking the men out of their homes, and forcing them to enter the mines and go to work.2 During the strike the vice president of the union, John Smith, a Negro, who was also checkweighman for the miners, was kidnaped and beaten by George Lee, Frank White, and Merle Middleton.<sup>3</sup>

Mr. Lawson stated that the striking miners were attempting to picket the mine. He described the picket line as peaceful and ineffective, stating that the miners returned to work in increasing num-He denied that the men were forced back to work or that there were an unusual number of deputies present, although he recalled seeing Deputy Sheriffs George Lee and Frank White. He further testified that he was a "college chum" of Ben Unthank, having known him for 30 years, but that he did not know as a matter of fact whether or not Ben Unthank was employed by the Harlan County Coal Operators' Association, having never discussed his work with him during their frequent meetings together. This statement is so inherently improbable as to discount the reliability of Mr. Lawson's

testimony.

The union folded up after the strike. Mr. Lawson summoned the men into the company theater and had them vote on whether or not they wanted to belong to the United Mine Workers of America. testified that the men "with a secret ballot voted 267 to 5 that they did not want any union there." 6 He described the "secret ballot" as follows:

Senator La Follette. And these were blank slips of paper? Mr. Lawson. Yes, sir. Senator La Follette. And they would vote "Yes" or "No"? Mr. Lawson. They voted "Yes" or "No." Senator LA FOLLETTE. And did they sign the slips? Mr. Lawson. Yes; signed their names to it.

<sup>1</sup> Testimony of James Westmoreland, pt. 11, p. 3827.
2 Pt. 11, p. 3825, and pp. 3828-3829.
3 Transcript of testimony of John Smith before the Denhardt Commission, appointed by Governor Laffoon of Kentucky in 1935, pt. 11, exhibit 1240, pp. 4061-4064.
4 Testimony of R. E. Lawson, general manager of the Cornett-Lewis Coal Co., pt. 11, pp. 3847-3848.
4 Pt. 11, pp. 3837-3839.
5 Pt. 11, p. 3856.

John Smith, the vice president of the striking union, on the day following his kidnapping and beating, while still barely able to walk, came to see James Westmoreland in the town of Cumberland. went to Harlan town together to present the case to Elmon Middleton, the county attorney. At the courthouse they were met by the According to the testimony of Mr. Westmoreland: sheriff.

The sheriff, the high sheriff of Harlan County, and he called me over to him and he said, "I know what you are looking for." He said, "You are looking for Elmon Middleton, and he is not here." And he says, "Now, Jim, you take that damn nigger and get him out of this courthouse and out of the county." He said, "If you don't, he is going to be killed." That is the words he said to me. He stated this at the same individual time, he said, "There are about three or four of you fellows here." He said, "And them two long-nosed preachers, they got to quit causing disturbances in this county," and he said, "I am not going to put up with no labor disturbances here." He further said to me, "Jim," he said, "you are on the spot," 1

This was not denied by the sheriff.2

By the fall of 1934 the situation in Harlan County had become so serious that Gov. Ruby Laffoon undertook to protect the mine workers against the sheriff and his deputies. When a mass meeting was called by the union at Harlan town for November 11, 1934, Armistice Day, the Governor, at the request of the mayor, sent four officers of the Kentucky National Guard to attend the meeting as observers.3 An estimated crowd of 6,000 persons attended the

meeting, which passed off without incident.4

Encouraged by the response at the meeting, the United Mine Workers determined to rebuild its membership and assist locals which were still functioning. Lawrence Dwyer first went to see Sheriff Middleton and offered to limit the activities of the organizers to securing compliance with the contract which was in effect between the union and the coal operators' association. If he would promise them protection, Dwyer promised, the union would not attempt to recruit new members. The sheriff took the matter under consideration and then called him several days later and said that he was unable to agree.5

On the day after Thanksgiving, November 30, 1934, A. T. Pace, an organizer for the United Mine Workers, brought a group of organizers into Harlan town, and registered at the Harlan Hotel with the purpose of conducting a membership drive. Mr. Pace employed a local man, Carl Williams, a former deputy sheriff in Bell County, to act as his guide. Upon entering the county their car was followed by Ben Unthank, who drove behind them until they reached the city. The clerk at the Harlan Hotel was reluctant to receive them as guests,

saying, according to the testimony of Mr. Pace:

"You don't know where you are at. You are in Harlan County." He says, "they have got the biggest gang of dynamiters on earth there dynamite this hotel."

The following day one of the organizers reported to Pace that his automobile had been fired upon from an ambush. Another organizer

<sup>&</sup>lt;sup>1</sup> Pt. 11, p. 3830

<sup>1</sup> Pt. 11, p. 3830.

1 Testimony of Sheriff Theodore R. Middleton, pt. 13, p. 4425.

1 Special Order No. 150, Military Department, Commonwealth of Kentucky, November 10, 1934, pt. 11, p. 4065, exhibit 1244.

1 Testimony of Lawrence Dwyer, pt. 11, p. 3863.

1 Testimony of Lawrence Dwyer, pt. 11, pp. 3865-3866.

1 Testimony of A. T. Pace, pt. 11, p. 3869.

returned to the hotel covered with blood, and stated that he had been run off the road by another car and his automobile had been wrecked. Mr. Pace went down to the lobby with Carl Williams and noticed that a number of men with guns and sheriff's badges were entering the hotel. At that moment George Lee, Frank White, and Ben Unthank broke into the lobby. Unthank moved in the direction of Mr. Pace, while George Lee seized Carl Williams, and slugged him over the head with his pistol. Lee and White then dragged Williams out of the hotel into the street, and the other deputies in the lobby followed them. Mr. Pace later learned that Mr. Williams was taken to jail. Mr. Pace and the other organizers arranged with an employee of the hotel to hire a car, and, slipping out the back door, drove off to Norton, Va.<sup>1</sup>

Both George Lee and Frank White testified that Frank White had, during this affair, a warrant for the arrest of Carl Williams on a charge of carrying concealed weapons. George Lee said that he took a pistol away from Carl Williams, who attempted to resist arrest.2 Frank White, however, said Williams did not carry a gun.3 He further said that he had received the warrant for Williams' arrest "from the Sheriff's office" and had had it with him "for 3 days." 3 The arrest warrant was not shown to Carl Williams and has never been produced. The sheriff's chief deputy, Henry M. Lewis, testified that he handled all the warrants that came through the sheriff's office and that he never saw a warrant for the arrest of Carl Williams.4

After being confined in jail for 3 days, from December 1 to 4, 1934, Carl Williams was released. He was brought before Judge Saylor on the charge of carrying concealed weapons but no witnesses appeared, and the case was dropped. Then Mr. Williams swore out warrants to place Ben Unthank and George Lee under bond to preserve the peace. Both men were now ere to be found in Harlan town and the warrants were not served. An explanation for the failure to locate the men was furnished by R. C. Tackett, who was once more at large, working for Ben Unthank, after having been held in prison for 6 months in connection with the dynamiting of Mr. Dwyer's home. Mr. Tackett testified that Sheriff Theodore R. Middleton had sent him to warn Ben Unthank that a peace warrant had been issued against him, and that he was to "stay out of town." 7

The incident of Carl Williams' "arrest" remained closed in spite of his efforts to secure relief from the authorities. When he attempted to enter the grandjury room, on one occasion, to present his case, the foreman after hearing his grievance, closed the door in his face. Mr. Williams brought the matter repeatedly to the attention of the tircuit court judge, James Gilbert, whom he knew personally, and he was advised by the Judge "to stay out of Harlan County."

<sup>1</sup> Pt. 11, p. 3871.

Pt. 11, p. 3871.

Testimony of George Lee, pt. 11, p. 3889.
Testimony of Frank White, pt. 11, p. 3895.
Pt. 11, p. 4003.
Testimony of A. T. Pace, pt. 11, p. 3872; original testimony of Carl Williams, pt. 11, p. 3874.
Testimony of R. C. Tackett, pt. 10, p. 3492-3493.
Testimony of R. C. Tackett, pt. 11, p. 3877.
Testimony of Carl Williams, pt. 11, p. 3875.
Judge James Gilbert failed to appear before the committee, although he was offered an opportunity to comment on the testimony relating to him. Pt. 12, p. 4301, exhibits 1305-1308.

On December 8, 1934, William Turnblazer, president of District 19 of the United Mine Workers of America was authorized by the chairman of the Southern Division of the Bituminous Coal Labor Board under the N. R. A. to accompany a code authority inspector to Harlan County to investigate the amount owed the miners by the Harlan Wallins Coal Corporation for overtime, pursuant to the decision rendered by the board on October 17, 1934.

Conditions in the mines operated by the Harlan Wallins Coal Corporation were summarized in findings in a decision rendered by

the Bituminous Coal Labor Board on October 17, 1934.

All the evidence presented to the Board sustained in full the contention that the workers in the mines at Verda and at Molus are working from one to three hours above the seven hour day, and in one instance even more than three hours, with only seven hours pay for day workers. That there is what is known as the "clean-up" system and workers are required to remain until the "clean-up" is completed, regardless of the hours spent. There was also testimony to the effect that there were times when the miners worked more than five days a week.

It was testified that no checkweighman representing the workers is allowed at either Verda or Molus. It was further testified that a notice calling for a meeting to elect a checkweighman at Verda had been torn down by foremen or watchmen of the Corporation, and that at least two men were discharged for posting such notices. Other workers expressing a desire for checkweighman had been beaten

by the deputy sheriffs.

The witnesses testified that a feudal condition obtains at these mines and that it is dangerous to discuss organization or the question of electing a checkweighman. The affidavits of those not connected with the Union also stated that it was generally understood that the miners of the Harlan-Wallins Coal Corporation were not free to express themselves in any way, and that they were intimidated in their movements even when off the Corporation property. The testimony showed that men applying for work at the mines of the Corporation were often beaten and run off the property, particularly, if there was a suspicion they were in favor of the Organization.<sup>2</sup>

Relying on the authority granted by the Bituminous Coal Labor Board, Mr. Turnblazer and a group of 10 other men drove into Harlan town and registered at the Lewallen Hotel. Scarcely had the union men entered the hotel when the organized gangs in Harlan County began to converge on Harlan town. All the deputies and thugs were mustered together, including men even from as far as Benham, company town operated by the Wisconsin Steel Co.<sup>4</sup> Merle Middle-

ton was there with Pearl Bassham's thug gang in full force.
"Thug" Johnson painted a vivid picture of the scene at the hotel. Forty or fifty deputies "from different companies" congregated about the hotel lobby. Some of them registered in the hotel, taking rooms adjacent to those occupied by Mr. Turnblazer and his party. Merle Middleton went away to fetch the sheriff but stationed his men to keep watch on Mr. Turnblazer, explaining, according to "Thug" Johnson, that "we are going to take him out and bump him off tonight." The high sheriff entered later with Merle Middleton, and after surveying the scene turned and left.6

While the deputies and thugs milled about in the lobby of the hotel, Pearl Bassham entered and looked over the crowd. He saw

<sup>1</sup> The letter of authorization appears in pt. 11 on p. 4066, exhibit 1245.
2 In the matter of charges made by District 19, U. M. W. A., against the Harlan Wallins Coal Corporation, exhibit 1236-C, pt. 10, pp. 3800-3801.
3 Testimony of William Turnblazer, pt. 11, pp. 3878-3879.
4 Pt. 13, exhibit 1316, p. 4630.
4 A copy of the hotel register appears in pt. 12 on p. 4630 as exhibit 1316.
5 Testimony of Bill C. Johnson, pt. 12, p. 4364. See also testimony of Merle Middleton, pt. 13, p. 4675.

"Thug" Johnson and winked at him. Testifying about the incident, Mr. Bassham acknowledged that his employees were there and that their expenses were paid by the company. He said:

Merle Middleton handled those men at that time, and if we paid for them, it was paid through him.2

Mr. Turnblazer was trapped in his hotel room. The deputies set off giant firecrackers outside his room. They dragged their knuckles across the door, threatening to break in and take the union men out. As night drew on his position became increasingly precarious. Shots were fired in the street.

Mr. Turnblazer succeeded in calling his union headquarters outside of the county and asked them to reach the State officials.

Governor issued the following order:

Captain Diamond E. Perkins, two officers and forty-two men of Company "A", 149th Infantry, Kentucky National Guard, are hereby ordered on active duty for the purpose of maintaining law and order in Harlan County, Kentucky, and specifically for the purpose of protecting the lives of William Turnblazer and other members of the United Mine Workers of America who are now held prisoners in the Lewallen Hotel by the Sheriff of Harlan County and his deputies.<sup>3</sup>

At midnight the National Guard arrived and escorted Mr. Turn-

blazer and his group out of the county.

The union officials abandoned further efforts to visit the county. In April 1935, the contract with the Harlan County Coal Operators' Association expired. It was not renewed.

Testimony of Bill C. Johnson, pt. 12, p. 4365.
 Pt. 13, p. 4532.
 Pt. 11, exhibit 1246, p. 4066.
 Testimony of William Turnblazer, pt. 10, p. 3620.

#### INTERFERENCE WITH CIVIL LIBERTIES IN HARLAN CHAPTER V. COUNTY, 1935-37

#### SECTION 1. UNION ORGANIZATION DRIVE OF 1985 UNDER THE NATIONAL LABOR RELATIONS ACT

A fresh impetus was given to unionization in Harlan County when the National Labor Relations Act became effective on July 5, 1935. During the previous 6 months Gov. Ruby Laffoon of Kentucky had been taking measures to restore order to Harlan County. On February 12, 1935, he appointed a military commission, headed by Adjt. Gen. Henry H. Denhardt, to conduct an investigation and take evidence on the situation existing in Harlan County. The commission held hearings in the months of March and May 1935, and filed a report with the Governor in which it was stated:

There is no doubt that Theodore Middleton, sheriff of Harlan County, is in league with the operators and is using many of his deputies to carry out his purposes.2

On July 2, 1935, on the basis of facts brought out at the hearing and affidavits filed with him, Governor Laffoon brought charges against Sheriff Theodore R. Middleton, calling for his removal from office for "neglect of official duty" on 10 separate counts. As the Governor's term expired in December 1935, he adjourned hearings on

the charges, due to impending primaries and the election.
On July 8, 1935, William Turnblazer, president of district 19, and Joseph John Timko, international representative of the United Mine Workers of America, who had been assigned to assist in organizing the miners in Harlan County, visited Circuit Court Judge James Gilbert at Pineville, Bell County. They asked the judge what prospect they had for protection in Harlan County in the exercise of rights which were guaranteed to them by the National Labor Relations Act. The judge merely counseled them to stay out of the county.4 In spite of this advice from the highest judicial authority in the county the union organizers determined to assert their legal rights. At that time there were only three companies in Harlan County which were still operating under a contract with the union, the Black Mountain Corporation, the Black Star Coal Co., and the Clover Splint Coal Co. The total union membership consisted of about 1,200 men. Encouraged by the National Labor Relations Act and the charges which were facing the sheriff, the miners once more began. to join the union, and by September 1935 the membership of the union · had doubled, with locals functioning in 13 mining camps.

<sup>1</sup> Special Order No. 27, Commonwealth of Kentucky, Military Department, pt. 11, p. 3919, exhibit 1250.
2 Preliminary hearings on S. Res. 266, pp. 136-140.
3 The charges appear in pt. 11, on pp. 4124-4130 as exhibit 1266.
4 Testimony of Joseph John Timko, pt. 11, p. 4012. Judge Gilbert refused to accept an invitation to appear as a witness before this committee (pt. 12, exhibit 1307, p. 4301).
5 Testimony of Joseph John Timko, pt. 11, p. 4013.
6 Testimony of Joseph John Timko, pt. 11, p. 4014.

The organization drive was met with the same systematic resistance which had been used to suppress the efforts of the union under the National Industrial Recovery Act. Ben Unthank, chief deputy for the Harlan County Coal Operators' Association, lavishly disposed of the association's funds in hiring assistants to drive the organizer. out of the county. It proved necessary in the months of November and December 1935 and January 1936, to double the assessments of the association to replenish its treasury. Whenever the organizers entered the county they were followed on the highways by deputy sheriffs.2

On July 18, 1935, the union finally succeeded in renting an office in Harlan town. Mr. Timko, accompanied by two of he fellow organizers, A. T. Pace and James Allen, drove into Harlan County on the morning of July 20 to establish the office. On the way his car was forced to halt by another automobile which blocked the road at a narrow spot. Ben Unthank, together with George Lee and Frank White, emerged from this car, carrying sawed-off shotguns and pistols; they approached the organizers' car and ordered them to turn around and leave the county. The union abandoned its office in Harlan.4

During the summer of 1935 the National Guard was called out on active duty in Harlan County by the Governor, on frequent occasions, to preserve the peace. The home of George Asbury, superintendent of the Black Mountain Corporation, which operated under a contract with the union, was dynamited. Mr. Asbury believed the outrage was committed by Harlan County deputy sheriffs. To guard his home, the Governor assigned two members of the National Guard on June 1, 1935, stating in his executive order:

It having been brought to the attention of the Governor through reliable sources, that a state of disorder exists in Harlan County and the vicinity of the property of the Black Mountain Coal Corporation, and that the home of Mr. Asbury, Superintendent of the Corporation, was recently dynamited, that not withstanding this situation, the Sheriff, Theodore Middleton, refused to permit the regular Deputy Sheriffs heretofore serving as guards on said property to the regular Deputy Sheriffs heretofore serving as guards on said property to continue as Deputy Sheriffs, having discharged them from his force and there being no other public officers available in the vicinity of the Black Mountain Coal Corporation mines other than such deputies as might be furnished by said Coal Corporation mines other than such deputies as might be turnished by said Theodore Middleton, Sheriff of said County, and it further appearing through reliable sources that many deputies appointed by the said Sheriff have been guilty of lawless acts, intimidating, threatening, abusing and beating many peaceful citizens of Harlan County, a state of lawlessness is declared to exist in the Black Mountain Coal Corporation section of Harlan County, and Captain Diamond E. Perkins, Commanding Officer, Company "A", 149th Infantry, is directed to detail two enlisted men of his Company for active duty service in Harlan County to serve in the vicinity of the Black Mountain Coal Corporation property. The said men so detailed are hereby ordered to be placed on active The said men so detailed are hereby ordered to be placed on active duty and they will serve as peace officers for the purpose of protecting life and property in the vicinity of Black Mountain Coal Corporation.

In July and August 1935, the National Guard on several occasions was placed on duty in Harlan County. Whenever the National Guard was on duty in Harlan County, the union organizers were

<sup>\*</sup> Testimony of George S. Ward, pt. 10, pp. 3506-3507.

\* Testimony of Joseph John Timko, pt. 11, p. 4014.

\* Testimony of Joseph John Timko, pt. 11, pp. 4016-4016.

\* Testimony of Joseph John Timko, pt. 11, pp. 4016-4017; and testimony of George Lee, pt. 11, pp. 4058-4059.

\* Testimony of Marshall A. Musick, pt. 11, p. 3824.

\* Pt. 11, exhibit 1267, pp. 4130-4131.

able to travel about the roads without danger. Sheriff Theodore R. Middleton then filed suit with Judge James Gilbert to enjoin Adjutant General Denhardt from bringing the National Guard into Harlan County "to preserve the peace" on the grounds that this was the function of the sheriff. Judge Gilbert promptly granted a sweeping injunction which forbade the National Guard from "preserving the peace." He enjoined them even from appearing in Harlan County in uniform. This remarkable order was set aside by the Supreme Court of Kentucky on November 1, 1935, in a caustic opinion which pointed out that the sheriff did not have "a property right in the

preservation of law and order."2

The contention of Sheriff Middleton and of Judge Gilbert that the sheriff enjoyed a monopoly on the right "to preserve peace" in Harlan County contrasts grimly with the events which took place in September 1935. Elmon Middleton, the county attorney, who had conducted himself in office in a genuine effort to redeem his campaign pledges and secure impartial law enforcement in the county, openly broke with the other members of the county administration. He determined to lay the charges of the United Mine Workers before the grand jury and press for prosecution against the deputy sheriffs and thugs who were terrorizing the community. His friend and confident was the Reverend Carl E. Vogel, who was then minister of the Cornett Memorial Methodist Church, whose congregation included professional groups and coal operators in Harlan County. The Reverend Vogel had been pleading for protection of the rights of free speech and assembly in Harlan County in his sermons. At the end of August 1935, Mr. Timko had a secret meeting with Elmon Middleton at which they discussed the possibility of conducting a grand jury investigation into the methods of intimidation used against the miners. The meeting was conducted secretly at the request of Mr. Middleton, who, according to the testimony of Mr. Timko, stated that:

\* \* \* he was going to try to do all he could to help us to clear up that situation, to stop this intimidation, but that he was on the spot himself, and if he was seen talking to us it would just put him on the spot that much more.

The grand jury investigation was never held because Elmon Middleton was assassinated on September 5, 1935. The Reverend Carl E. Vogel described the circumstances as follows:

It was the Sunday immediately preceding his death, and he remained at my home, coming in after church on Sunday night, and he remained at my home until about 11 or 11:30 o'clock at night, and during that time we discussed the general situation of this collusion between the coal operators and the sheriff's office, the necessity of cleaning it up. But Mr. Middleton's statement was that he did not believe that he would be permitted to live long enough to do his job that needed to be done. His statement was that he believed himself to be a marked man, and he likewise believed that I was a marked man because of my interest in trying to clean up the situation.

Testimony of Joseph John Timko, pt. 11, p. 4019.

† Pt. 11, pp. 4132, exhibit 1238. Judge Stites of the Supreme Court of Kentucky, stated in his decision referring to the sheriff's suit: "He rests his claim, both in his brief and in argument at the bar, upon the claim that to permit the defendants to act as peace officers in Harlan county is an interference with the proper-exercise of the duties of his office. There is no proof in the record, and indeed no allegation of fact in the pleadings, that would justify an inference that the exercise of the right to act as peace officers by members of the National Guard will interfere with the performance of the duties of the sheriff any more than would the performance of the same duties by a policeman or a constable. Such interference, if it may be called that, will be in aid of the ultimate object to be desired by both the sheriff and the guardsmen; namely the maintenance of the public peace. Neither has a property right in the preservation of law and order."

† Testimony of the Reverend Carl E. Vogel, pt. 10, pp. 3813-3816.

† Pt. 11, pp. 4019-4020.

Senator LA FOLLETTE. You say that this was the Sunday preceding Mr. Middleton's death?

Mr. Vogel. Yes, sir.

Senator LA FOLLETTE. Did he die a violent death?

Mr. Vogel. Yes, sir, he stepped into his car and put his foot on the starter, and a dynamite explosion occurred that injured him sufficiently so that he lived only a matter of minutes afterward. I stood with him and beside him in the Harlan Hospital, holding his hand, until he had died.

Otis Noe, who had served as a deputy sheriff under Theodore R. Middleton, was convicted of the murder.2 Although there is some confusion as to the real motives of the perpetrators of this murder, the result was to remove the only county official devoted to impartial enforcement of the law.

Reverend Vogel left Harlan County in September 1935, shortly after the death of Elmon Middleton. He was transferred to another church as a result of "quite a sheaf of protests, chiefly from the coal operators of my own church, asking for my removal from Harlan as a pastor." 3 He said that the only reason for his transfer was the position he had taken in opposition to lawlessness and terrorism in the county. According to his testimony, when his new appointment had been determined, "the bishop put his hand on my shoulder and said, 'Boy, I am glad you are getting out of there without a bullet through you.' "3

Miners in 13 camps stopped work on September 22, 1935, and demanded that their employers sign a contract with the union. Armstrong R. Matthews, superintendent of the Clover Splint Coal Co., told Mr. Timko, organizer for the union, that he was unable to operate his mine under union conditions and compete with nonunion mines in the same area.4 Mr. Matthews testified that he discussed the situation with George S. Ward, secretary of the Harlan County Coal Operators' Association, and then notified the sheriff of his

determination to operate without a union contract.

This strike revived the ferocity of Ben Unthank. Shortly after midnight on September 25, 1935, the third day of the strike, Ben Unthank, accompanied by his cronies, George Lee and Frank White, banged on the door of Howard Williams, a Negro, who held the office of vice president of the union. Mr. Williams opened the door, and the men pushed past him into the house, and ordered him to get dressed. stating that he was under arrest. Unthank and the two other men forced him into their car and drove over the mountain road leading to Virginia. Somewhere near the State line, after a brief argument as to whether or not they should kill him, they finally let him go, warning him not to return to the county. Mr. Williams hid in the bushes until they left, and then made his way to a coal camp at Bonnie Blue, Va.8 His wife had immediately notified her neighbors of the kidnaping and a searching party was formed to look for Mr.

<sup>&</sup>lt;sup>1</sup> Pt. 10, p. 3617. <sup>2</sup> Pt. 10, pp. 3617-3618.

Testimony of the Reverend Carl E. Vogel, pt. 10, p. 3618.

Testimony of Joseph John Timko, pt. 11, p. 4022; and testimony of Armstrong R. Matthews, pt. 11, p. 4053.

Pt. 11, p. 4057.

Pt. 11, p. 4055.

Testimony of Howard Williams, pt. 11, p. 4040; and testimony of Mrs. Howard Williams, pt. 11, p. Testimony of Howard Williams, pt. 11, p. 4042.

Williams. The next morning the camp was filled with deputies who refused to allow the miners to leave their houses, speak to each other, or even to make purchases at the company store. The kidnaping of the officer of their union and the presence of armed deputies overawed the miners and the strike collapsed. The incidents were described by Mr. Matthews, superintendent of the mine, as follows:

Senator LA FOLLETTE. Did these deputies conduct themselves in the manner that Mrs. Williams described?

Mr. Matthews. They patrolled the streets, Senator.

Senator La Follette. Did they keep people from going on the streets?

Mr. MATTHEWS. In the early morning. Senator LA FOLLETTE. For how long?

Mr. Matthews. Approximately 2 hours.
Senator La Follette. Was this done with your approval?
Mr. Matthews. I had nothing to say about it.
Senator La Follette. It was on your property, was it not?

Mr. MATTHEWS. The sheriff was in charge.

Senator La Follette. Well, he was there at your request?

Mr. MATTHEWS. Yes, sir.

Senator La Follette. Well, you knew about it, did you not? Mr. Matthews. Yes, sir.

Senator La Follette. You did not take any steps to prevent it? Mr. Matthews. I left it to his judgment.<sup>2</sup>

Mr. Matthews explained the presence of the deputy sheriffs on the grounds that they were "preserving the peace."

Senator LA FOLLETTE. Well, had there been any breach of the peace? Mr. Matthews. No.3

The union was wiped out, Mr. Matthews confirmed, after the kidnaping of Williams:

Senator LA FOLLETTE. Is there any unon there now?

Mr. MATTHEWS. No, sir.

Senator LA FOLLETTE. When did the union fold up?

Mr. Matthews. On the 26th day of September 1935. Senator La Follette. The day after Howard Williams was kidnaped?

Mr. Matthews. I believe it was the day after.4

The strikes in the other mines were settled with equal dispatch. Mr. Williams sought out Mr. Timko, organizer for the union, and related to him an account of his kidnaping. Reports of the activities of the deputies and of mass evictions of strikers from the company towns reached Mr. Timko, who informed Governor Laffoon of what was taking place. The Governor then ordered out the National Guard, proclaiming that "a reign of terror now exists in said (Harlan) county and has existed for some months." 5 Thereupon Judge Gilbert took immediate action. Judge Gilbert announced an "inquest," the reasons for which he stated as follows:

Since the adjournment of the grand jury here, it has been reported in the press of the State that some 200 people have been evicted from their houses, and that there has been a reign of terror and lawlessness in Harlan County; that people have been taken in charge, whipped, and driven out of the county, and based on said reports, as shown by the newspapers, the Governor has sent troops into Harlan County for the third time, and that the court has had no information or knowledge, direct or indirect, of any such conditions existing in Harlan County,

<sup>&</sup>lt;sup>1</sup> Testimony of Mrs. Howard Williams, pt. 11, p. 4047.

<sup>2</sup> Pt. 11, pp. 4055-4056.

<sup>3</sup> Pt. 11, p. 4055.

<sup>4</sup> Pt. 11, p. 4058.

<sup>5</sup> Pt. 11, exhibit 1270, p. 4134.

<sup>128457-----6</sup> 

and in order to satisfy himself a man by the name of Timko and others have been summoned in here, who, it is reported, have circulated these reports, and this investigation is held for the purpose of finding out whether there is any justification in these reports.1

These unusual proceedings had no basis at law, yet Judge Gilbert issued summonses for Joseph John Timko and Robert Childers, another United Mine Workers organizer, to appear at the courthouse in Harlan town on September 30 and October 1. Mr. Timko came, bringing with him 30 witnesses to tell the story of violence in Harlan County.

Before the very eyes of Judge Gilbert, deputy sheriffs pursued union witnesses around the courthouse and openly menaced them. This was restrained only by the presence of the National Guard

officers. Mr. Timko described the proceedings as follows:

I was not able to get around in the courtroom to talk to these witnesses, as I was constantly being pushed around by the deputy sheriffs. I also saw there and particularly recognized one who seemed to have much pleasure in following me around in the courthouse, with the exception of going into the courtroom and that was Mr. George Lee.2

Howard Williams was placed on the stand to testify about his kidnaping. His kidnapers were in the courthouse acting as peace Following his testimony the court took no action to bring the kidnapers to justice. However, the complaining witness, Howard Williams, was sent to jail by Judge Gilbert on the grounds that he was a material witness, needed for the grand jury and he was unable to furnish bond of \$300 to guarantee his appearance. Howard Williams was sent to jail, but two other witnesses who described details of the "reign of terror" were similarly confined. Howard Williams testified about this incident as follows:

Senator La Follette. So far as you knew, you were being held in jail because you could not make the \$300 bond to appear as a witness before the grand jury?

Mr. WILLIAMS. That is what I thought. Senator LA FOLLETTE. All you had done was to testify about the facts in relation to your kidnaping by the deputy sheriffs?

Mr. WILLIAMS. That is all.

Senator La Follette. Was anybody else put in jail with you at this time? Mr. WILLIAMS. Yes; there were two others.

Senator La Follette. Who were they? Mr. Williams. Mr. Adkins and Mr. Jones.

Senator LA FOLLETTE. What had they done; do you know?

Mr. WILLIAMS. Well, they had not done any more than got up on the witness stand, as I\_did, and testified.

Senator La Follette. And they were unable to make bond also? Mr. Williams. That is right.

Senator LA FOLLETTE. What did Mr. Adkins testify about?

Mr. WILLIAMS. He testified about the way they done and kicked him around and something swearing at him when they would not let him go up to the post office or something.

Senator La Follette. Was he a member of the United Mine Workers?

Mr. Williams. He was.

Senator LA FOLLETTE. Was he an organizer or just a member of the union? Mr. WILLIAMS. Just a member of the union.

Senator LA FOLLETTE. What did J. A. Jones testify about?

Mr. WILLIAMS. He testified about so many deputies being up and down the streets the next morning.
Senator LA FOLLETTE. Where?

Pt. 11, p. 4025.

<sup>&</sup>lt;sup>1</sup> Pt. 11, exhibit 1243, p. 4025.

Mr. WILLIAMS. In Clover Splint.

Senator La Follette. Yes?

Mr. WILLIAMS. And he was placed on the same thing.

Senator La Follette. They were not charged, so far as you know, with any offense?

Mr. WILLIAMS. No, sir.

Senator LA FOLLETTE. How long did you remain in jail?

Mr. WILLIAMS. From about 7 o'clock Monday evening until Tuesday about 1 o'clock, I believe. Something like that.1

The witnesses who were jailed later testified before the grand jury

in Harlan County, but it took no action.<sup>2</sup>
This brand of "justice" by which the victims are jailed and the accused go free, was challenged by a damage suit against Judge Gilbert for false imprisonment, filed in the Federal District Court of London, Ky., by Howard Williams. Judge H. Church Ford, of the Federal district court, in instructing the jury, stated that

These men were not legally committed to jail.

## But he added that

judges are not held civilly liable in damages for exceeding jurisdiction, nor for making orders or requirements that are merely beyond their jurisdiction, if they have jurisdiction of the subject matter.3

Judge Gilbert's inquest again balked the efforts of the union to continue functioning in Harlan County. The Black Mountain Cor-

poration alone continued to operate under a union contract.

The campaign for the governorship of Kentucky in 1935 closed with the election of Albert Benjamin Chandler to that office. Mr. Timko stated that the miners had supported his ticket, but that "we have not gotten any real protection from the Governor as long as he has been The newly-elected Governor, when he was inaugurated into office, chose for his personal entourage High Sheriff Theodore R. Middleton and several of his deputy sheriffs. The high sheriff was still facing charges brought by out-going Governor Laffoon, for malfeasance in office and neglect of duty.

### SECTION 2. THE UNION ORGANIZATION DRIVE OF 1987 UNDER THE NATIONAL LABOR RELATIONS ACT

After Governor Chandler took office in December 1935, the union abandoned all efforts to continue functioning in Harlan County. Representatives of the union did not enter the county even for the purpose of negotiating matters arising under the contract which was in effect with the Black Mountain Corporation. Mr. Asbury, superintendent of the mines of this corporation, was obliged to leave Harlan County and come into Bell County for the purpose of meeting with union representatives.6

The union turned to the courts and to publicity for the purpose of correcting conditions in Harlan County. In 1936, Judge Henry

¹ Pt. 11, p. 4043.
¹ Testimony of Howard Williams, pt 11, p. 4044.
¹ Pt. 11, p. 4046, exhibit 1276.
¹ Pt. 11, p. 4029.
¹ A photostat of a photograph appearing in the Louisville Courier Journal of December 13, 1935, showing Governor Chandler and his family in company with Sheriff Middleton and several of his deputies was entered into the record as exhibit 1271 and is held in committee files.

4 Testimony of L. T. A treat at 12, p. 4132 Testimony of L. T. Arnett, pt. 12, p. 4183.

Warrum, general counsel of the United Mine Workers of America. arranged with John Young Brown, speaker of the House of the Kentucky Legislature, and former Congressman-at-large from Kentucky (73d Cong.), to organize a radio program "to let the public know what was going on in Harlan County." Mr. Brown prepared a series of speeches using as his source material the record of hearings conducted by the investigating commission appointed by Governor Laffoon in the spring of 1935. He arranged for a series of speakers, and delivered the first address himself over station WHAS, Louisville, on the subject of the "Feudal Lords of Harlan." Following the address, the Harlan County authorities stated that speakers on the program who criticised conditions in Harlan County would be summoned to appear before the Harlan County grand jury. Mr. Brown, received a telegram from Daniel Boone Smith, Commonwealth attorney, directing him to appear before the grand jury. He received a similar summons from H. H. Fuson, county attorney of Harlan County, who had succeeded Elmon Middleton following his assassi-Mr. Fuson, prior to his appointment as county attorney, had been hired by the Harlan County Coal Operators' Association to appear in defense of Ben Uthank and his four accomplices in the proceedings brought against them in connection with the dynamiting of the home of Lawrence Dwyer in November 1933.2 Mr. Brown testified before this committee that speakers on his program were afraid of being called before the Harlan County grand jury-

because once they got you in Harlan County—at least the general impression over the State is that they can do most anything they want to in Harlan County.3

As a result of the attitude taken by the Harlan County authorities the speakers on the program arranged by Mr. Brown refused to deliver their speeches and as Mr. Brown testified,

the effect of it was to destroy our program.4

In the spring of 1936, James Westmoreland, who had been obliged to take up residence in Virginia because of threats and intimidation by the deputy sheriffs, brought suit for damages against High Sheriff Middleton in the Federal district court for a false arrest in Cumberland in February 1935. In December 1936 the jury found in favor of James Westmoreland and rendered the verdict for damages in the amount of \$1,500.6 Elated by the outcome of the trial, the union determined once more to enter Harlan County for the purpose of increasing its membership.

In preparation for the drive William Turnblazer, president of district 19, addressed a letter to Sheriff Theodore R. Middleton on December 29, 1936, advising him that it was the intention of the United Mine Workers to hold meetings in Harlan County and requesting "that our people be given every degree of protection under the laws of your Commonwealth." The letter was returned with the following notation upon the envelope, "Refused, not opened." 7

<sup>1</sup> Testimony of John Young Brown, pt. 12, p. 4178.
2 Testimony of Larkin Baker, pt. 10, p. 3475.
3 Pt. 12, p. 4178, testimony of John Young Brown. Mr. Brown cited the case of a doctor who had given expert testimony in a trial in which Judge James Gilbert had disqualified himself as having an interest in the matter. The doctor was indicted by the Harlan County grand jury because of his testimony. The presiding judge personally secured a pardon for the doctor from the Governor.
4 Testimony of John Young Brown, pt. 12, p. 4180.
5 Testimony of James Westmoreland, pt. 11, p. 3934;
6 Pt. 12, p. 4184, exhibit 1287-A.
7 Pt. 12, p. 4385, exhibit 1287-B.

On January 4 and 5, 1937, a convention was held at Middlesboro, Ky., and L. T. Arnett, vice president of district 19, was selected to take charge of the organization drive. The activities of the organizers were restricted by reason of a quarantine extending from January 2, 1937, until February 6, 1937, which had been placed on the county banning public gatherings because of a meningitis epidemic.2 For this reason the organizers entered the county with instructions not to call meetings, but to meet with miners individually until the quarantine was lifted. Under these conditions the drive opened on January 9, 1937.

The renewed activity of the union did not pass unnoticed in Harlan County. The Harlan County Coal Operators' Association doubled its assessments in January 1937, as it had done during the organization drives which followed the passage of the National Industrial Recovery Act in 1933 and the National Labor Relations Act in 1935.3 The increased assessment still remained in force at the time of the hearings of this committee in April 1937. George S. Ward, secretary of the association, explained the increase:

Senator LA FOLLETTE. In January, February, and March of this year, the assessment was increased to 1 cent per ton. What was the occasion for that

Mr. WARD. The two things that I mentioned a moment ago; the freight-rate case that we have now pending and the organization situation.

Senator LA FOLLETTE. Labor activity? Mr. WARD. Yes, sir.

Senator LA Follette. It is my understanding that the members of the association have been advised that this assessment of 1 cent per ton will continue until further notice. Is that correct?

Mr. WARD. That is what the minutes state, I believe.4

The slush fund of the association was placed at the disposal of Ben Unthank, the chief deputy sheriff employed by the association. The size of the fund is unknown because the association destroyed its records to frustrate the inquiry of this committee.<sup>5</sup> A considerable sum was involved, for during the month of February 1937 alone, Mr. Ward gave Unthank \$2,327.68 in cash 6 and

instructed him to put on a sufficient number of men to keep them (the union organizers) under observation and find out where they went and what they

The gang of deputies led by Ben Unthank was again mobilized for action. At this time the "thug gang" was without a leader. Merle Middleton, "chief thug" of Harlan County while he was in the employ of Pearl Bassham, the vice president of the Harlan-Wallins Coal Corporation, had left that company in February 1936, to set himself up as manager of a bus company, which he largely controlled.7 When the union organization drive opened, an effort was made to persuade Merle Middleton to take over the direction of the "thug gang" at a

<sup>1</sup> Testimony of L. T. Arnett, pt. 12, p. 4185.
3 Pt. 12, pp. 4185-4193, testimony of L. T. Arnett.
3 Pt. 10, p. 3676, exhibit 1189.
4 Pt. 10, p. 3507.
4 Testimony of George S. Ward, pt. 10, p. 3510.
6 Testimony of George S. Ward, pt. 10, p. 3621.
7 Pt. 10, p. 3602, testimony of Peacl Bassham; pt. 13, p. 4565, testimony of Merle Middleton. On May 5, 1937, Merle Middleton testified that the stock of the bus company was then owned by his father, Charles C. Middleton, and his brother, Logan Middleton, both of whom were employed as peace officers by Pearl Bassham. Bassham.

salary of \$500 per month. Merle Middleton refused the offer, and Ben Unthank was given the assignment. This appears in the following conversation which "Thug" Johnson reported having with Middleton on January 4, 1937, in Harlan town:

Mr. Johnson. He said Ben Unthank was chief thug now.

Senator LA FOLLETTE. What did you understand that position to be?

-Mr. Johnson. That position? Senator LA FOLLETTE. Yes.

Mr. Johnson. I understood he was chief over the thugs. When I was thugging,

you know, I always had a chief that I took to be the chief.

Senator La Follette. When you were thugging, whom did you take to be the

chief?

Mr. Johnson. Merle Middleton.

Senator La Follette. And you understood from this conversation with Merle Middleton on January 4 that Ben Unthank had succeeded him as chief thug?

Mr. Johnson. He said that Ben Unthank was the chief thug, and they had raised his salary from \$150 a month to \$250 and expenses, and had offered him **\$500** a month.

Senator LA FOLLETTE. Did he say whether he had accepted it or not?

Mr. Johnson. No, sir; he did not.

Senator LA FOLLETTE. What did you understand he had been offered \$500 for? Mr. Johnson. He told me it was for chief thug.1

This testimony was not contradicted by Merle Middleton.<sup>2</sup> If Merle Middleton's statement was true, Ben Unthank, with a raise in salary and the large slush fund of the association at his disposal, was generalissimo of the antiunion forces in the county, leading not only his own band of deputies but also the "thug gang" formerly led by Merle

Middleton and separately financed by the individual coal operators. On January 16, 1937, Governor A. B. Chandler, by executive order, dismissed the charges against Sheriff Theodore R. Middleton, which had been instituted by his predecessor, Governor Lassoon, in July 1935, as a result of the investigation conducted by the Denhardt commission. The executive order stated that

the records in the said action had been lost or destroyed \* \* \* records or charges can now be found in any of the offices of the State government.

The Governor further stated that—

I have found the said T. R. Middleton to be a competent, efficient, and energetic official and has in every way performed the duties of his office, and during my said administration law and order has been maintained in Harlan County.

How careful a search was made for the lost records pertaining to the charges pending against Sheriff Middleton was not stated in the executive order. At the end of March 1937, investigators for this committee, upon application at the office of the assistant secretary of state at Frankfort, were promptly given the official documents containing the charges against Sheriff Middleton together with the transcript of hearings conducted by Governor Laffoon in 1935.4

Complimented by the Governor as a "competent, efficient, and energetic official," Sheriff Theodore R. Middleton proceeded in his usual way to "maintain law and order" in Harlan County. He augmented the number of deputy sheriffs, until by April 15, 1937, there

<sup>1</sup> Pt. 13, pp. 4563-4564.
2 Pt. 13, pp. 4563-4564.
3 Pt. 13, pp. 4577-4578.
3 The text of the executive order appears in full in pt. 12 on pp. 4181-4182 as exhibit 1286.
4 Testimony of Allan R. Rosenberg, committee investigator, pt. 12, p. 4182. The Louisville Courier-Journal on April 28, 1937, carried an Associated Press dispatch, dated April 27, 1937, from Frankfort, Ky., which read: "The transcript of evidence taken during the Laffoon hearing was found locked in a desk drawer in the office of the secretary of state today. Employees in the office said it had been available for some time."

were 163 on active duty, only three of whom were paid from public funds. In January 1937, Sheriff Middleton also recalled Frank White from South Charleston, W. Va., to resume active duty as deputy Frank White, lieutenant of Ben Unthank, had unceremoniously left Harlan County in the fall of 1936 after being involved in the shooting and gassing of Chad Middleton, an uncle of the sheriff, at Evarts. Frank White was not prosecuted for his part in the attack. The reputation of Frank White and his gang was so feared in Harlan County that witnesses were afraid to testify against him. Kelly Fox, a former deputy, had witnessed Frank White and his gang shoot down and gas Chad Middleton. At the preliminary examination held in Judge Saylor's court, Kelly Fox was summoned to identify Frank White. When he took the stand a member of Frank White's gang stood at the entrance of the courtroom with his hand on the butt of his revolver. Mr. Fox failed to identify Frank White.

Senator LA FOLLETTE. Why not?

Mr. Fox. Well, there was a fellow in the door with a gun in his hand. I

thought it would be a good idea not to say anything.

Senator La Follette. You mean to say one of the men who was accused of being involved in this shooting was permitted, at the preliminary examination to come into open court with a gun in his hand?

Mr. Fox. He had it in his pocket. I saw the handle sticking in his hand there,

and anybody looking could have seen it. 4

Senator LA FOLLETTE. Was that while you were on the stand? Mr. Fox. Yes, sir.<sup>2</sup>

Following the experience of Kelly Fox no witnesses appeared to charge Frank White with the crime. Mr. White testified:

They never did get any warrant for me. I do not recall. I never heard of any indictment. I was not in it.

Senator LA FOLLETTE. Was it generally talked around?

Mr. White. Yes; it was talked around.

Senator LA FOLLETTE. That you were involved in it?

Mr. WHITE. Yes.

Senator LA FOLLETTE. Were you ever called before any official of the county, or the grand jury, in connection with those shootings? Mr. White. No, sir.3

Although no official action was taken against Mr. White, he voluntarily left the county 2 weeks after the shooting, fearing the personal vengeance of the sheriff. He gave the following explanation for his sudden departure:

Senator LA FOLLETTE. What was your idea of leaving the county? Did you think you might be implicated?
Mr. White. I thought I would save some trouble.

Senator LA FOLLETTE. For whom?

Mr. White. Well, for me, maybe, or somebody else.

Senator LA FOLLETTE. Did the fact that Chad (Thad) Middleton, who was shot—did the fact that he was a relative of the sheriff cause you to believe that it would be safer for you to be out of the county?

Mr. White. Well, I thought it would right then.4

Frank White went to South Charleston, W. Va., where he remained 4 months. When the union drive began in January 1937, the high

<sup>1</sup> Testimony of Sheriff Theodore R. Middleton, pt. 10, pp. 3569-3570. See also p. 33.

Pt. 13, p. 4436.
Pt. 11, p. 3892.

Pt. 11, pp. 3892-3893. Testimony of Frank White, pt. 11, p. 3890.

sheriff urgently summoned him back to Harlan County, for he needed Frank White's special talents. Frank White testified:

Well, they did not exactly send for me. They had to come after me.1

On his return White immediately was appointed deputy sheriff and placed on the pay roll of the High Splint Coal Co., at \$160 per month.2 Hugh Taylor, a deputy sheriff, testified that Sheriff Middleton gave him the following explanation for bringing Frank White back to Harlan County, even ignoring the blood feud that existed between them:

Mr. TAYLOR. Middleton told me that he (Frank White) was a machine-gun man and an amateur gas man, gas man and machine-gun man, that is the reason he got him back the other time when he left here and ran off.

Senator La Follette. You mean Sheriff Middleton told you this?

Mr. TAYLOR. Yes.

Senator La Follette. Did you know whom Frank White was working for at this time?

Mr. TAYLOR. At that time he was working for the High Splint, worked for the High Splint Coal Co. at that time, with Ben Unthank and his gang.<sup>3</sup>

Sheriff Middleton had the necessary equipment to utilize Frank White's talents. On September 21, 1934, he had purchased a Thompson submachine gun and two type L magazines.4 He testified that "I felt like I wanted one, and I purchased one", but he said it had never been taken out by himself or his deputies. He also had purchased a tear-gas riot gun and 12 tear-gas projectiles and six "Triple-Chaser" tear-gas grenades, on September 23, 1935, during the Clover Splint strike. From whatever source it was obtained, a machine gun was a part of Frank White's regular equipment after his return to Harlan County in January 1937, according to the testimony of Hugh Taylor:

Senator LA FOLLETTE. Did you ever have any occasion to notice the weapons that Frank White usually carried?

Mr. TAYLOR, I did.

Senator LA FOLLETTE. What did he carry?

Mr. TAYLOR. He carried a machine gun in the back end of his car, and pistols.7

Among other deputies appointed by Sheriff Middleton after the beginning of the union drive were Robert Eldridge, appointed January 11, 1937, and Hugh Taylor, appointed January 15, 1937. salaries of \$125 per month were paid by Sheriff Middleton, but he was reimbursed by five coal companies.9 The two men were stationed at the company town of Shields, owned by the Berger Coal Co., and were given free board and lodging at a boarding house operated by the company for its deputies, popularly known as the Clubhouse.10

Robert Eldridge had worked from August 1933 to January 1936 for Pearl Bassham as a "peace officer" at the company town of Molus,

Pt. 11, p. 3890.

Testimony of Frank White, pt. 11, p. 3891. White was on the pay roll of the Harlan Wallins Coal Corporation in 1936 (pt. 9, p. 3333, exhibit 1113).

<sup>Tt. 12, p. 4258.
The invoice appears in pt. 12, on p. 4389, as exhibit 1291.
Testimony of Theodore R. Middleton, pt. 12, pp. 4205-4206.
The invoice appears in pt. 12, on p. 4390, as exhibit 1293.
Pt. 12, p. 4257.
Testimony of Robert Eldridge, pt. 12, p. 4290.
The Cooke & Sharpe Coal Co., P. V. & K. Coal Co., Berger Coal Co., Harlan Wallins Coal Corporation (Gayno mine), and the Benito Mining Co. (testimony of Hugh Taylor, pt. 12, p. 4255; and testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3543).
Testimony of Hugh Taylor, pt. 12, p. 4255.</sup> 

owned by the Harlan Wallins Coal Corporation. His career was typical of Harlan County deputy sheriffs. On September 9, 1930, he had been convicted of voluntary manslaughter in Harlan County, and had been sentenced for a term of 5 years at hard labor, of which he served 21 months. On later occasions, he was also convicted of carrying concealed weapons and of assault and battery. Two indictments against him, one for assault and battery and one for malicious striking and wounding had been dismissed on the motion of the Commonwealth

attorney, Daniel Boone Smith.<sup>2</sup>
Hugh Taylor's background was different from that of Robert Eldridge. For 6 years he had worked as a miner for the United States Con! & Coke Co., a subsidiary of the United States Steel Corporation, and later as a miner for the Bardo Mining Co. and the Harlan Wallins Coal Corporation.3 In 1933 he joined the United Mine Workers of America and was promptly fired by the Bardo Mining Co., the reason given being that he was a member of the union. He also attributed his discharge by the Harlan Wallins Coal Corporation to discrimination against him because of his union membership.4 He supported Theodore R. Middleton in his campaign for sheriff in 1933, and on January 6, 1934, the sheriff appointed him deputy sheriff, and he obtained a job with the Harlan County Coal Operators' Association riding as a guard on coal trains.<sup>5</sup> He then secured employment intermittently as a deputy sheriff, participating in some of the thug gang activities.6 In September 1936 Hugh Taylor was indicted for the murder of a man named Robert Moore who, according to Mr. Taylor's testimony, had been drunk and had drawn a pistol in resisting arrest.7

In spite of the extensive experience of his deputies, High Sheriff Middleton took precautions to instruct them specifically what they were to do. Hugh Taylor was told to report to Robert Eldridge at Shields, and was informed that the coal companies would give him further orders. The high sheriff personally directed him, according to Taylor, "to police the camp and move the organizers along" and particularly "to keep them from talking to the men."8

Mr. TAYLOR. He told us to follow them around. I asked him what good it would be to follow them, and he said, "See who they talk to-what men they talk to—and report the men up."

Senator La Follette. Report the men to the company? Mr. Taylor. Yes.

Senator LA FOLLETTE. That they talked to?

Mr. TAYLOR. Report the men to the company.

Sheriff Middleton likewise armed his deputies so that they could carry out their duties effectively.

Mr. Taylor. He asked me how many guns I had. I told him I had one. He told me he would give me another one. He said, "Carry two; carry them out where they could see them."

<sup>1</sup> Pt. 9, p. 3335, exhibit 1113.
1 Testimony of Robert Eldridge, pt. 12, pp. 4292-4293. His criminal record filed at the Federal Bureau of Investigation shows other convictions for "storehouse breaking" and for "using the mails to defraud," pt. 10, p. 3746, exhibit 1225-A.
1 Testimony of Hugh Taylor, pt. 11, p. 3882.
1 Testimony of Hugh Taylor, pt. 12, p. 4253.
1 Testimony of Hugh Taylor, pt. 12, p. 4254.
1 He was present at the breaking up of the union meeting at Shields in June 1934, at the direction of the sheriff (testimony of Hugh Taylor, pt. 11, p. 3883).
1 Testimony of Hugh Taylor, pt. 12, p. 4285.
1 Testimony of Hugh Taylor, pt. 12, p. 4265.
1 Pt. 12, p. 4256.

Senator La Follette. Did he say anything else?
Mr. Taylor. "The organizers", he said, "they hate the looks of two guns."
He says, "Carry two where they can see them."

Hugh Taylor carried out his instructions to the letter. He cruised about the coal camps in his car, armed with his two revolvers and a 30-30 Marlin rifle.<sup>2</sup> Robert Eldridge confirmed the testimony of Hugh Taylor with respect to their duties as deputy sheriffs at Shields.3 ▶ Ben Unthank, in addition to his expanded activities as "chief thug," still continued his leadership of the army of deputies appointed by High Sheriff Middleton. Accompanied by his lieutenants, Ben Unthank made regular tours of the coal camps and coordinated the efforts of the deputy sheriffs who were assigned to specific posts, promising them assistance when needed. Hugh Taylor described the visits as follows:

He would go up and down on occasions and stop. The first time I saw him stop there after I went up there he stopped and said he would see if he had my pay. He ran through his pay envelopes and did not have it, and he went on by, went on to town, I guess.

Senator LA FOLLETTE. Was he usually alone or was he accompanied by other

deputies?

Mr. TAYLOR. He was usually accompanied by other deputies. Senator LA FOLLETTE. What deputies did you see with him on these occasions? Mr. TAYLOR. I saw him with Allen Bowlin, George Lee, Lee Fleenor, D. Y.

Senator LA FOLLETTE. Were these deputies usually armed also?

Mr. TAYLOR. Always armed.

Senator La Follette. Did you see any machine guns?

Mr. TAYLOR. I saw them in Ben Unthank's car, I saw one in Ben Unthank's car; yes, sir.

Senator LA FOLLETTE. Did you see one in his car usually when you saw him? Mr. TAYLOR. No; I never examined his car usually when I saw him, but I had seen it in there a time or two. He said it was a machine gun. It was a great big ugly looking gun different from what I ever saw. I don't know.

Senator La Follette. Did Ben Unthank ever give you any instructions in connection with your duties?

Mr. TAYLOR. He said if we needed to do anything in the camp that we did not want to do ourselves to call him and he would send somebody up there to do it. Senator LA FOLLETTE. What did you understand he meant by something you did not want to do yourself?

Mr. TAYLOR. I understood if they wanted somebody whipped or kicked out of

It was into this lair that the union organizers entered. On January 11, 1937, L. T. Arnett, in charge of the organization drive decided to establish headquarters in Harlan town and secured rooms in the New Harlan Hotel. In the hotel Mr. Arnett was immediately approached by Allen Bowlin, a deputy sheriff, whom he had known as a boy in his home town in Tennessee. Mr. Arnett testified that Allen Bowlin gave a friendly warning, saying: "These fellows up here will kill you, they will dynamite, they will shoot, they will burn you."

Pt. 12, p. 4256.

Pt. 12, p. 4256.

Testimony of Hugh Taylor, pt. 12, p. 4256.
Testimony of Robert Eldridge, pt. 12, p. 4293.

Pt. 12, p. 4258.
In testifying before the committee about his qualifications for his position as deputy sheriff, Mr. Bowlin stated that he had an early start on a criminal career, having been indicted for a crime "about 30 years ago." Mr. Bowlin "did not remember" any more recent indictments; but the court records showed an indictment for "drunkenness and false swearing" entered on December 18, 1931, and dismissed on August 24, 1932. On November 17, 1932, he was tried for murder and acquitted. On January 29, 1934, he was convicted of manslaughter and sentenced to a 5-year term at the State Reformatory, terrankfort, serving only until December 5, 1935, when he received a conditional pardon. On April 27, 1936, after leaving prison, Mr. Bowlin was appointed a deputy sheriff and had an active commission in January 1937 (pt. 12, pp. 4197-4198, testimony of Allen Bowlin). His prison record appears in pt. 10, as exhibit 1223-B, on p. 3734.

Mr. Arnett asked: "What fellows?" and Bowling answered: "This outfit you call thugs, up here." Bowlin then offered to work secretly

for the organizers, but his offer was not taken up.1

For several days after January 11, 1937, nothing occurred to substantiate the warnings made by Allen Bowlin. For a short while the organizers made their way about the county with relatively little difficulty, speaking to the miners. On January 15, 1937, Mr. Arnett met George S. Word, secretary of the Harlan County Coal Operators' Association, ca the street in Harlan town, and stopped to greet him, congratulating him on the "nice treatment" the union organizers were receiving in Harlan County. According to Mr. Arnett, Mr. Ward said, "Well, we are not all bad." Mr. Arnett stated that if the peaceful conditions continued he would publish an advertisement publicly retracting the charges which had been made against the association. Mr. Arnett reported that Mr. Ward enigmatically replied: "You stay on a while and you will find out." What Mr. Ward had in mind may be judged from the following testimony:

Senator LA FOLLETTE. So that when you met Mr. Arnett on the street that day you knew that the association was doubling its monthly income in contemplation

of the union drive, did you not?
Mr. Ward. Yes; I knew that.
Senator La Follette. At that time Mr. Unthank was still in the county, was he not?

Mr. WARD. I think he was.

Senator La Follette. Still being sent around the county? Mr. Ward. Yes, sir.

Senator LA FOLLETTE. He had not started his hide-out act at that time, had he? 8

Mr. WARD. No, sir.4

The following day, January 16, 1937, Governor Chandler issued his executive order dismissing the charges against Sheriff Middleton. Instantly the situation in Harlan County was completely transformed. The deputies and thugs, who had been comparatively restrained in their conduct, came out in the open and swarmed over the county. Mr. Arnett described the change as follows:

Mr. Arnett. Well, we had been followed continuously and hounded, and so forth, wherever we would go and made to move on in a quiet manner, and then immediately after the 16th, speaking in our language, they began to tighten up awful on us, and it seems to me there were more deputy sheriffs then than there We saw more of them than we did the miners. were miners in Harlan County. They just got thick everywhere.
Senator La Follette. Was there any violence?

Mr. Arnett. Well, Senator, they would come up to our people and jump out of their cars and come around and pull their guns from their hips around to the front, and talk rough and mean to them, and tell them to get out, get going, get on the highway and keep moving, and so forth.

Disturbed by these occurrences, Mr. Arnett attempted to arrange a conference with Sheriff Middleton, but his messages were not answered and an attorney who went to see the sheriff on behalf of the union reported back that the sheriff had said, "To hell with the damned United Mine Workers, they have got me indicted with

Pt. 12, pp. 4186-4187, testimony of L. T. Arnett. Bowlin said the offer had come from Arnett but had not materialized (pt 12, p. 4199, testimony of Allen Bowlin).

Testimony of L. T. Arnett, pt. 12, p. 4188.
Ben Unthank fled the process of this committee.
Pt. 13, pp. 4401-4402.
Pt. 12, p. 4188.

everything in the calendar of crime, and I ain't got any counsel for them." The union was never able to see the sheriff. The sheriff, them." The union was never able to see the sheriff. without contradicting this testimony, and admitting that he refused to accept letters sent to him by registered mail by the union, merely commented: "Well, they never came to my office." <sup>2</sup>
The day clerk of the New Harlan Hotel, Dan Breck, became con-

cerned about rumors which were circulating throughout the town and warned Mr. Arnett that trouble was brewing. Mr. Breck

testified:

Mr. Breck. Practically all of the warnings that I gave Mr. Arnett were based on just the general rumor floating around, there was no definite base for it, but I felt that there was a tension in the air throughout the whole town and community.

Senator LA FOLLETTE. Did you place sufficient credence in the rumors to be

concerned about the safety of these guests?

Mr. Breck. Yes; I did.3

The rumors proved well-founded. At 3 o'clock in the morning of January 23, 1937, dynamite explosions in front of the hotel rocked the hotel. Awakened by the detonations the guests rushed out of their rooms and found themselves engulfed in clouds of tear gas which came through the hallways. Mr. Arnett described the panic which ensued:

Well, of course, in a couple of minutes we were all crying, and there was quite a lot of commotion, and in some 3 or 4 minutes after this explosion, there was commotion all over the hotel, and I decided if they were trying to decoy us out, they would kill everybody, and I ventured out into the hall, and when I went into the hall, women and children and cripples and everybody was coming down half dressed and screaming and crying, and I had failed to dress at this time, and I saw all of our people come out of their rooms except one. They turned this gas loose on the second floor of the hotel, and people were coming down the third, and the fourth, and all of them trying to get down together at the same time.

# Mr. Breck confirmed Mr. Arnett's testimony:

At approximately 3 o'clock in the morning there was a terrific explosion somewhere in the neighborhood of the hotel. I woke up everybody but possibly two or three guests who were on the extreme back of the house, and at the same time I heard someone in the hall. I was on the fourth floor, in the rear, on the side. Somebody yelled, "Fire." I jumped out of bed and grabbed some clothes and stuck my head out of the door, and could not see down the hall for smoke, which I found out had come from the tear-gas bombs. I still did not know but what the house was on fire, so I rushed on down the steps afraid of the elevator if there was a fire, and when I got to the third floor the gas just about choked me up. I could not see and I could hardly breathe. So I stepped into a room standing open which somebody had vacated, and grabbed a towel and wet it and put it over my face and went down to the lobby. I was one of the last ones to get down to the lobby. There were some 50 people, I suppose, milling around the lobby, men and women and one or two children, all very excited. And about that time I noticed quite a bit of laughter, and I looked down and I had not completed my dressing, so I went on out. Some of the guests checked out immediately, a few of them went back to bed, but a great number of them left.<sup>5</sup>

George M. Jenkins, the night clerk of the hotel, stated that at 3 o'clock in the morning two men came running down the steps wearing masks on their faces. One of them drew a pistol and waved it in the direction of Mr. Jenkins. He remained at the desk of the hotel as

<sup>1</sup> Testimony of L. T. Arnett, pt. 12, p. 4187.

<sup>&</sup>lt;sup>2</sup> Pt. 13, p. 4427. <sup>3</sup> Pt. 12, p. 4203. <sup>4</sup> Pt. 12, p. 4191. <sup>5</sup> Pt. 12, p. 4204.

they went out the door and immediately afterwards fumes of the gas came down and blinded him. He was unable to identify either of the men. The proprietor of the hotel, Victor H. Hooper, called the home The sections of of Sheriff Middleton but was unable to reach him. the containers of a tear-gas bomb were found in front of the organizer's Mr. Arnett and his companions went outside the hotel and found that two of their cars had been completely destroyed by dynamite. He telephoned Lawrence Dwyer, at Pineville and at 5:45 a.m. Sheriff James Ridings of Bell County, came with an escort to take them in safety out of Harlan County.<sup>3</sup>

The two masked men who set off the tear-gas bombs were not apprehended. George Jenkins, the night clerk at the hotel, had examined the pieces of the tear-gas bombs. He described them as being reddish brown in color, in small sections.4 From the description it appears that the bombs were "triple chaser" grenades, manufactured by Federal Laboratories, Inc., which are painted red and separate into three pieces when exploded.<sup>5</sup> Sheriff Middleton had purchased six "triple chaser" grenades from Federal Laboratories, Inc., on September 24, 1935.6 Mr. Middleton testified on April 26, 1937, that he no longer had these gas grenades in his possession. "I don't know whether they have been used," he said. "I haven't got any of them in my possession at this time." He believed that shortly after he had purchased them his deputies had discharged the grenades on a hill to experiment with the use of gas.7

The tear-gas containers which had been taken from the New Harlan Hotel were turned over to Sheriff Middleton.<sup>8</sup> On March 26, 1937, investigators of this committee subpensed the containers from the sheriff for the purpose of securing the serial numbers which are stamped on the bottom of the containers by the manufacturers. The manufacturer keeps a record of the serial numbers of the grenades which are sold to each customer. The high sheriff told the investigators that the containers were in a safe in his office, but he refused to allow them an examination.9 On April 14, 1937, Sheriff Middleton testified in response to the subpena that he no longer had the used tear-gas containers in his possession, offering as an excuse: "I think they were supposed to have been delivered to the grand jury for their investigation and they were never returned to my office." He later testified:

Some of the representatives of this committee came to see me about those gas bombs, and I thought I had them in my possession, and I later learned that they had been turned over to the grand jury for investigation.<sup>11</sup>

However, the Commonwealth attorney, Daniel Boone Smith, who had charge of criminal prosecutions in Harlan County, denied seeing the tear-gas containers in the course of the grand jury inquiry into the

<sup>1</sup> Testimony of George M. Jenkins, pt. 12, p. 4350.
2 Testimony of L. T. Arnett, pt. 12, p. 4191.
3 Testimony of L. T. Arnett, pt. 12, p. 4192.
4 Testimony of George Jenkins, pt. 12, p. 4351.
5 Testimony of Thomas F. Baughman, ballistics expert of the Federal Bureau of Identification, pt. 12,

b Testimony of Thomas F. Bag, ......, p. 4349.

6 The invoice appears in pt. 12 as exhibit 1293 on p. 4390.

7 Pt. 12, p. 4207.

5 Testimony of Sheriff Middleton, pt. 12, p. 4208.

9 Testimony of Jack B. Burke, committee investigator, pt. 12, p. 4209. The suppens appears in pt. 10 as exhibit 3650 on p. 3620.

10 Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3439.

11 Pt. 12, p. 4208.

gassing of the hotel. He expressed surprise that such evidence had existed:

I never saw them; and until I heard some evidence here, I assumed that they were a thing that disappeared when they went off. I thought they vanished. I didn't know that there was anything left.1

Senator La Follette pressed Sheriff Middleton for an explanation of why he had failed to secure the serial numbers from the tear-gas containers while they were in his possession and why he had not availed himself of this clue to discover the names of the persons to whom the gas bombs had been sold by the manufacturers. Mr. Middleton explained his failure in this respect by claiming-

They were burned so badly that I could not tell whether there were any serial numbers on the grenades or not.2

Expert opinion impeaches the testimony of the high sheriff. Thomas F. Baughman, special agent of the Federal Bureau of Investigation for over 17 years and a firearms-identification expert, described for the committee the operation of the "Triple-chaser" grenade and exhibited sections of a bomb which he had exploded to serve as an illustration.<sup>3</sup> The serial number on the bottom of the container was not obscured in any way, nor were the sections of the container perceptibly distorted. Mr. Baughman's testimony cast doubt on the credibility of Mr. Middleton's excuse.

Senator LA FOLLETTE. In your experience, when these Triple Chasers go off, is it usual for the various sections to retain their shape?

Mr. BAUGHMAN. Yes, sir.

Senator LA FOLLETTE. Have you ever, in all of your experience, seen one after it had exploded in which the section upon which is stamped the serial number was so badly damaged that the serial number was not legible?

Mr. BAUGHMAN. No, sir. I have seen the shape of the canister deformed but never deformed sufficiently to obliterate the number.

Throughout the inquiry held by this committee, the sheriff maintained a sullen and hostile attitude, replying to questions with evasive answers. He refused to answer certain questions which he conceded were pertinent on the grounds that by testifying he would tend to incriminate himself under Federal law. This attitude on the part of a peace officer would be strange if it were not for the fact that Sheriff Middleton had had a court record. He was convicted in a Federal court and sentenced to a Federal penitentiary for violating the National Prohibition Act in 1926. Further light is shed on his qualifications as a witness by the fact that the United States Army board of examiners ruled that Theodore R. Middleton in 1920 was unfit to hold a commission in the Regular Army by reason of the fact. that he "lacked veracity as a witness." All of these factors taken together have made the committee reluctant to rely on the testimony of the sheriff when such testimony is without collateral support and is challenged by other witnesses, or by expert testimony.

In sum, the evidence discloses that following the gassing of the New Harlan Hotel, pieces of the container of the tear-gas bomb were

<sup>1</sup> Pt. 12, p. 4335. The following wire was received by the chairman of the committee on Apr. 30, 1937, from Bert O. Howard, county attorney of Harlan County: "Thorough search made for tear-gas cans. I cannot find them. They never came into my possession" (exhibit 1316, pt. 13, p. 4427).

<sup>Pt. 12, p. 4209.
The container was entered into the committee's record as exhibit 1312 and is held in committee files.
Pt. 12, pp. 4347-4348.</sup> 

found. From the shape and color of the sections of the exploded tear-gas bomb containers, it appears that the bombs were "triple-chaser" grenades manufactured by Federal Laboratories, Inc. The sheriff had had in his possession, prior to the gassing of the hotel, six "triple-chaser" grenades. He no longer had them in his possession after the gassing of the hotel. He denied having them in his possession immediately before the gassing of the hotel, but his testi-

mony is not reliable on this point.

The sections of the exploded tear-gas bombs were transferred to the custody of the sheriff by the local police. This evidence disappeared while it was in the safekeeping of the sheriff. The sheriff stated that the tear-gas-bomb containers were sent over to the grand jury which was investigating the incident. The Commonwealth attorney who had been present during the grand-jury investigation denied seeing the pieces of the exploded bombs. He even testified that he had noknowledge that such evidence had been available. When interviewed by investigators of this committee, after the grand jury had completed its investigation, the sheriff said that he had the containers of the bomb in a safe in his office. On the witness stand he testified that when he made this statement he believed it to be true but later discovered that the bombs had previously been removed from the safe and sent to the grand jury. At the time of the interview, however, he refused to open his safe and permit an examination of the containers to be made by the investigators. The testimony of the sheriff, therefore, does not establish beyond a doubt that he actually did furnish the containers of the exploded bombs to the grand jury. The evidence does show gross negligence on the part of the sheriff in failing to preserve evidence which was in his custody and in failing to notify the Commonwealth attorney of the evidence which was in existence so that a proper investigation by the grand jury could

All such tear-gas bombs have a serial number engraved on the container. The manufacturer retains a record of the purchasers to whom each bomb is sold. By securing the serial number which is stamped on the bottom of an exploded tear-gas bomb, it is possible to trace the ownership of the bomb by consulting the records kept by the manufacturer. The exploded tear-gas-bomb containers, therefore, were valuable evidence offering a clue for solving the crime. While the exploded tear-gas bombs were in his possession, the sheriff failed to secure the serial numbers which were stamped on them. He testified that the serial numbers had been obliterated. Expert testimony makes it appear that this statement is of doubtful credibility. The high sheriff, therefore, was guilty of neglect of duty in failing properly to pursue this line of investigation.

The sheriff was grossly negligent in failing to conduct a proper investigation himself of the gassing of the New Harlan Hotel on January 23, 1937, and in permitting valuable evidence to disappear so as to prevent a proper investigation to be made by others. These circumstances, the evasive character of the sheriff's testimony, and the tenuous nature of his excuses for failing to make a proper investigation of the crime do not clear him of the suspicion that he knew more

about the incident than he cared to divulge.

On January 25, 1937, L. T. Arnett and his assistants returned to Harlan town and again applied at the New Harlan Hotel for rooms. The management of the hotel refused to permit them to register as guests. Victor H. Hooper, manager of the hotel, stated that:

During the time they stayed at my hotel the members of the United Mine Workers of America were at all times peaceful and desirable guests.2

His refusal to furnish them with further accommodations was solely due to loss of business arising from the—

fear of violence and disturbances, caused by those opposed to the organizing of the mine workers.2

The organizers, unable to obtain lodging in Harlan County, established themselves at Pennington Gap, Va., near the Harlan County Shortly after they were there, Frank White and a companion drove into Pennington Gap and entered the hotel where the organizers were staying. White, according to the testimony of Theodore Roosevelt Clarke,3 warned one of the union organizers that if they persisted in coming into Harlan County, they would be "bushwacked." 4 (Frank White did not appear as a witness at the hearings of this committee after April 22, 1937, although not excused. On April 26, 1937, Drs. Jones and Crouch sent a telegram to the chairman stating that Frank White would be absent on April 26 and 27 "on account of serious illness of baby daughter." 6 No further communication was received from Frank White thereafter.6

On February 6, 1937, the authorities lifted the quarantine for meningitis which had banned all meetings in Harlan County since January 2, 1937.7 The following day the organizers gathered in the Continental Hotel, at Pineville, Ky., and debated the advisability of returning to Harlan County and attempting to reestablish headquarters There were some who urged caution, others dismissed the threats of gassing and bombings as mere bluff. The bolder counsel Thomas Ferguson, member of the United Mine Workers of America for 37 years, who was newly assigned to act as an organizer in Harlan County, and who was among those discounting the dangers ahead, described the conference:

Senator LA FOLLETTE. Who were present?

Mr. Ferguson. All of the fellows who were organizers, along with William Turnblazer, who is the president of district 19. We discussed the advisability of all of those fellows, all of us fellows, going back into Harlan County and staying there and trying to reestablish headquarters until we could organize. Bill Turnblazer made this statement, "They ain't going to shoot you organizers," and Mr. Arnett spoke up and said, "The hell they won't." Well, I agreed with Bill that I did not think they would. I thought they would try to seare us and frighten us in every way they possibly could, but the next day we went in and discovered that both Bill and I were both wrong, because they shot me.<sup>8</sup>

On February 8, 1937, the organizers drove into Harlan County to the town of Evarts where they rented a plot of ground to be used for

<sup>&</sup>lt;sup>1</sup> Testimony of L. T. Arnett, pt. 12, p. 4193. <sup>2</sup> Affidavit of Victor H. Hooper, pt. 12, pp. 4388-4389, exhibit 1290, and testimony of George Jenkins, pt. \*\*Amate of Victor 11. Prooper, pt. 12, pp. 4035-1368, exhibit 1250, and t. 12, p. 4352.

\*\*One of the union organizers acting under the direction of L. T. Arnett.

\*\*Testimony of Theodore Roosevelt Clarke, pt. 12, p. 4226.

\*\*Pt. 12, exhibit 1297, p. 4227.

\*\*Pt. 12, p. 4288.

\*\*Testimony of L. T. Arnett, pt. 12, p. 4193.

\*\*Pt. 12, p. 4216.

holding an open-air meeting on the following Sunday. They then proceeded to the mines of the Black Mountain Corporation and attended a local union meeting. The meeting was held in the afternoon in order to permit them to be out of the county before nightfall. At 4:30 p. m. they returned on the road from the Black Mountain Corporation's coal camps to Harlan town. Thomas Ferguson was riding in a car driven by William Milton Hall with L. T. Arnett. Three other organizers followed in a second car. Between the towns of Verda and Ages, they came upon a car parked by the side of the road.2 Frank White was seated in the car behind the driver's wheel.3 As the cars bearing the organizers drew near, two blasts on the horn came from the parked car. Instantly bullets rained onto the two cars as they drove by, damaging the front car and wounding Ferguson in the shoulder. The drivers stepped on their accelerators and drove full speed, careening down the highway at a speed of over 70 miles an hour, swerving past obstacles which had been placed across the road. L. T. Arnett described the wild ride which followed the shooting from the ambush:

Mr. Arnett. Just as we got about even with the car, the driver who was later identified as Frank White, gave two blasts on the horn. We were approximately 20 feet past his car when a rain of bullets begin to hail in and around our car, Senator LA FOLLETTE. Did any of these take effect?

Mr. ARNETT. Yes; there was one bullet came and penetrated the radiator, and there was another bullet came through over my head and knocked my hat off and exploded, and a fragment of it struck Ferguson in the shoulder. Another one came through the back of my neck the best I could tell, because the window was rolled down, and there was one hole in the car, and also struck him in the shoulder and exploded and tore an awful nasty hole in his back.

Senator LA FOLLETTE. Was he seriously injured?

Mr. Arneat. Very seriously injured.

Senator LA FOLLETTE. What happened then?

Mr. Arnett. Matt Bunch was following. He was following in his car and I felt awful uneasy. I felt an awful uneasiness for him, but he got through the rain of bullets with only one bullet hole in his car. I ducked down when all of this shooting took place. And when I raised up, I look ahead and I saw another car parked on the side of the road with a menacing look of a gun inside which I saw after I got up to it; and we began to run into brush and rocks and obstructions on the road, and finally at last, right even with the car, there was a wagon hub laying on the road endways to us. We were making something around 70 or 75 miles an hour, as much as we could make in that length of time, and we his wagon hub, nearly wrecking us. They were very menacing with their guns, and I could not identify anyone in the car.

Senator La Follette. Were any shots fired?

Mr. Arnett. No shots were fired. Then we proceeded down, and just after we passed through Coxton, there was another car with one man standing on the outside and another man at the wheel, with something that looked like a gun up against the wheel, and we went so fast there I don't think his marksmanship would have allowed him to shoot us. The radiator had been blown up and we had to leave it in a Chevrolet garage.

Senator LA FOLLETTE. What did you do when you got to Harlan?

Mr. Arnett. We were being followed by two carloads of men that acted suspicious, and we went in a circle, just around through Harlan, trying to lose them as we were coming through, and when we got to the Chevrolet garage on the outskirts of Harlan County we had to leave this car in the garage. The six of us got into Matt Bunch's car. The injured man got in with us, and we were so crowded there, we drove over across the bridge—I believe to the town of Baxter,

See map on p. 16.
 Testimony of L. T. Arnett, pt. 12, pp. 4193-4194.
 Testimony of William Milton Hall, pt. 12, p. 4223.

but as you cross the bridge, there is the State highway garage there, and I saw two State patrolmen that I did not know nor I cannot name.

The organizers appealed to the two State patrolmen to give them safe conduct out of the county. The patrolmen drove into Harlan town to obtain permission from their superiors, leaving the organizers at the garage. Fearful for their safety and concerned over the wound received by Tom Ferguson, the organizers did not wait for the return of the State police, but boarded a bus which took them out of the county.

The bus was followed by the two carloads of men who had pursued the organizers into Harlan, but the trip ended without further

incident.2

Mr. Ferguson was seriously wounded. The bullet which had struck him tore a large hole through his shoulder. He exhibited the clothing which he had worn at the time of the injury, which showed the size of the wound:

Senator La Follette. Is that hole there, that large hole in your underwear, was that where the bullet hit you first?

Mr. Ferguson. No, sir; that is where it came out. It was an explosive bullet. Senator La Follette. You mean it was an explosive bullet or a soft-nosed

Mr. FERGUSON. Well, a soft-nosed. I believe there was more than one hit here, if you will look and see the one hole here (indicating) and one here, and there is one in my coat.

Senator LA FOLLETTE. That is about 2 or 3 inches in diameter.

Mr. FERGUSON. Yes, sir.3

Mr. Ferguson was hospitalized in Pineville, Ky. After an operation he was removed to the hotel occupied by the organizers so that he would be guarded against further attack. On April 27, 1937, when he appeared before this committee as a witness, he was still being treated by a doctor for his wound.

The army of deputy sheriffs and thugs were pleased with the success. of the ambush which had been laid for the organizers. The evening

of February 8, Hugh Taylor testified, he saw Frank White:

Senator LA FOLLETTE. What did he say?

Mr. TAYLOR. He called me up there and told me not to tell Bob Eldridge, and that Bob Eldridge talked too much. He said they caught hell a while ago; he said the organizers, or the agitators, or something like that. I don't know. I don't know what they called them.

Senator La Follette. One of the agitators?

Mr. Taylor. I believe he said agitators. Anyway, he was referring to the organizers. He said, "They got hell a while ago." He said, "We fired into them a while ago."

Senator LA FOLLETTE. He said that they fired into them?

Mr. TAYLOR. Yes. Then I went on to ask him who fired into them, and he said he and Wash Irwin and Lee Hubbard.

Senator LA FOLLETTE. Did he say anything about this signal that they testified about?

Mr. TAYLOR. He said there was some fellow that blowed the signal, that was in the car with him. He said they gave blows on the horn; yes.4

Three small boys witnessed the ambush of the organizers, and lived to regret their presence upon the scene. John Clouse, aged 13, and

<sup>&</sup>lt;sup>1</sup> Pt. 12, pp. 4194—4195. <sup>2</sup> Testimony of L. T. Arnett, pt. 12, p. 4195. <sup>3</sup> Pt. 12, p. 4217. <sup>4</sup> Pt. 12, p. 4266.

his little brother, Jasper Clouse, aged 9, were sons of Lloyd Clouse, a miner employed by the Harlan Wallins Coal Corporation, who lived at Ages. Markham Clouse, aged 12, was a half brother of Lloyd Clouse, and had been staying with him for a year. The three boys had been "hunting scrap iron on the river bank," and were returning home along the road when the shooting took place.1 Markham Clouse testified that-

there was a black two-seated car came on the road and that car blowed two times, and people on top of the cliff started on shooting.

According to the boy's testimony, one of the men on the cliff shouted "Look out!" Markham Clouse said bullets struck at his feet and-

I started running across the road, started off on the railroad, and I turned around and I saw the cars, and on top of the cliff they were standing up behind the tree, I could see their heads.1

He identified the men on the cliff as Bill Lewis, Melvin Moore, 3 Luke Hubbard, and Lee Hubbard. John Clouse and his little brother Jasper also ran for safety. John Clouse, aged 13, testified:

I heard the car ablowing. When the front car got about even with us the hind car blowed about three times, and then the shooting began. I ran on the cliff, me and my brother, and Markham was trying to run toward the railroad, and then he came back from the railroad to us.

Senator La Follette. Did you hear anybody shout from the cliff? Master Clouse. Yes, sir.

Senator La Follette. What did they say?

Master Clouse. They told us to look out. When they said that there was two shots fired, and I went from the cliff down in the hollow. My little brother was with me.

Senator La Follette. Did you see the men who were doing the shooting? Master Clouse. No, sir.

Senator La Follette. Did you see any of the bullets strike?

Master Clouse. Yes, sir.

Senator LA FOLLETTE. Where did they strike?

Master CLOUSE. One of them struck right in the middle of the road, and one of them hit that front car.6

The terror-stricken boys remained hidden in the ditch until a miner named Isaac Eversole came down the road. John Clouse testified: "I thought he would keep them from shooting me, and went home with him." 7

<sup>1</sup> Testimony of Markham Clouse, pt. 13, pp. 4457-4458.

1 Employee of the Harlan Wallins Coal Corporation at the time of the shooting (testimony of Pearl Bassham, pt. 13, pp. 4534-4535). On May 5, 1934, the grand jury recommended to Sheriff Theodore R. Middleton that he discharge Bill Lewis along with other deputies from their positions as deputy sheriffs (pt. 10, exhibit 1214, p. 3562). The high sheriff was "not sure" whether or not Bill Lewis ever served as a deputy sheriff (testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3565). The criminal record of Bill Lewis appears in pt. 10, as exhibit 1219, on p. 3732. He was indicted on May 5, 1934, for "murder," "malicious shooting and wounding," "malicious striking and wounding," and "banding and confederating." On March 20, 1935, he was convicted of "banding and confederating" and sentenced to 1 year in the State penitentiary. On March 30, 1936, he was paroled.

3 An employee of the Harian Wallins Coal Corporation at the time of the shooting (testimony of Pearl Bassham, pt. 13, pp. 4534-4535). His duties were to act as "night watchman" (testimony of Pearl Bassham, pt. 13, pp. 4523). He was a member of the "thug gang" (testimony of Bill C. Johnson, pt. 12, pp. 4357).

4 A deputy sheriff stationed at Ages (pt. 10, exhibit 1198-A, pp. 3705-3710). He served 1 year in the State reformatory at Frankfort, Ky., for obtaining money under false pretenses, and 5 years at Leavenworth, Kans., on a charge of white slavery. He was sentenced on nine other occasions for petty offenses. See his criminal record furnished by the Federal Bureau of Investigation, pt. 10, exhibit 1226-B, p. 3746.

4 A deputy sheriff (pt. 10, exhibit 1198 A, pp. 3705-3710).

5 Pt. 13, pp. 4462. See transcript of testimony of Isaac Eversole, taken before the Harian County grand jury at the special February term, February 15, 16, and 17, 1937, pt. 13, p. 4611.

The boys returned home and related what they had seen to Lloyd Clouse and his wife:

Senator LA FOLLETTE. Now, when you got home, did you tell anybody about what you had seen?

Master Clouse. Yes, sir; I told my mother and daddy.1

John Clouse testified that he was warned not to repeat what he had seen.

Senator LA FOLLETTE. Did they say anything to you after you had told them

Master Clouse. Yes, sir. They told me it would not do to name them; that it might cause trouble; might cause our house to be blowed up.1

Mrs. Minnie Clouse, the boys' mother, confirmed their testimony:

Mrs. Clouse. Yes, sir; I told them it would not do for them to talk; that if they did, we were liable to be blew up.
Senator LA FOLLETTE. You told them that you thought they should not talk

to anybody?

Mrs. Clouse. Not to talk to no one; tell no one nothing about it. Senator LA FOLLETTE. You were afraid of what would happen?

Mrs. CLOUSE. Afraid they would blow us up.
Senator La Follette. When you say "they," whom do you mean?
Mrs. CLOUSE. Well, there was a lot of them. Lee Hubbard, Luke Hubbard, Wash Irwin, a whole lot of them.

That same evening, two deputy sheriffs, Sherman Howard and Charlie Rose, of Brookside, a nearby mining camp, called at the home of Lloyd Clouse. Mrs. Clouse said:

They told my husband to ask the kids if they seen anybody. The kids wasn't at the house. They told my husband to ask the kids if they seen anybody that did the shooting, and my husband told them if they did there would not be nothing said, and it wasn't any use for to talk any further about it.3

A week later, in spite of the precautions taken by Mr. and Mrs. Clouse, the boys were subpensed to appear before the Harlan County grand jury. At 5 o'clock in the morning of the day that the boys were to appear before the grand jury, Lloyd Clouse left to go to work at the mines of the Harlan Wallins Coal Corporation. When he entered the mine he told his brother, Jasper Clouse, according to the latter's testimony.

that Pearl Bassham seen him and told him to be damn sure that he did not let those kids go before the grand jury.6

Mrs. Clouse sent the three little boys down to the nieghboring town of Brookside to take the 8 o'clock train into Harlan town. After they had left, Mr. Clouse returned.

Mrs. Clouse. Yes, sir; he came back. He went to work and he came back home. I set his lunch up, and he said—(At this point of her testimony Mrs. Clouse broke down weeping.) When he came back he said Mr. Bassham told him if he let the kids regard to the let the let the kids regard to the let th him if he let the kids go and testify it would cause trouble.4

<sup>1</sup> Pt. 13, p. 4462.

Nash Irwin worked as a deputy sheriff for Pearl Bassham at Verda, Ky., from April 1936 to October 1936. See pay roll of Harlan Wallins Coal Corporation, pt. 9, exhibit 1113, pp. 3329-3333. His criminal record appears in pt. 10, as exhibit 1227, on p. 3751. On April 9, 1931, he was convicted of robbery and sentenced to 2 years at the State reformatory. On March 21, 1935, he was indicted for malicious striking and wounding. On March 16, 1937, the indictment was dismissed "because the prosecuting witness never will be able to attend court." (See testimony of Pearl Bassham, pt. 10, pp. 3593-3594.) After being fired as deputy sheriff, Irwin worked as a miner at Brookside, Ky. (testimony of Wash Irwin, pt. 12, p. 4237).

Pt. 13, p. 4463.
Trestimony of Mrs. Minnie Clouse, pt. 13, p. 4464.
Traction of Lloyd Clouse's son, also named Jasper Clouse, aged 9.
Testimony of Jasper Clouse, pt. 13, p. 4477.

Lloyd Clouse brought the children back from the station without permitting them to go on to Harlan town. His son, John Clouse, testified that shortly thereafter two deputies called at the house.

Senator LA FOLLETTE. What happened while you were at the railroad station? Master Clouse. My daddy, when we went down there, told us it was no use going, that if we went it might cause a lot trouble, and we did not go.

Senator La Follette. Then you went back to the house?

Master Clouse. Yes, sir.

Senator La Follette. Did anybody come? Did your father, at the railroad station, mention anybody's name?

Master Clouse. Yes, sir; he said Pearl Bassham told him if he went down there

it would just cause us trouble.

Senator La Follette. Well, when you got back to the house did anybody come to the house?

Master Clouse. Yes, sir; Wash Irwin and Luke Hubbard came. Senator LA FOLLETTE. Were you there when they talked to your father?

Master Clouse. I was there, but Wash Irwin and Luke went and took my daddy out on the porch and talked a lot to him. While I was in the house he asked me if my dad had left me go and I said no, and he said he thought that was

Senator LA FOLLETTE. Who said that; do you remember?

Master Clouse. Yes, sir; Wash Irwin.<sup>1</sup>

On Saturday evening, April 24, 1937, during this committee's hearings, Lloyd Clouse was shot and killed by Bill Lewis before this committee had a chance to obtain Mr. Clouse's testimony. Mr. Bassham, testifying on May 4, 1937, after Mr. Clouse's violent death, denied telling Lloyd Clouse that he wasn't to let the boys testify before the grand jury.

Mr. Bassham. I would be glad to repeat just what I did tell him. Lloyd Clouse came to me, and I did not know the man at the time. He came to the office, and I had not been in the office but a few minutes in the morning, and he said that some man had came and summoned his two boys to go down before the grand jury. He said he was not an officer and that he was afraid to send them; that they might get their testimony twisted up. I said, "If they had not been summoned, why send them?" That is what I told him.

Senator LA FOLLETTE. Did you see him the morning of the day they left for

the grand jury?

Mr. Bassham. I didn't know about that, but I did see the man one morning. Senator La Follette. What did you say to him on that morning? Mr. Bassham. Just what I have repeated.

Senator LA FOLLETTE. Is that the only time that you ever discussed it with him?

Mr. Bassham. The only time I ever remember seeing him.

Senator La Follette. Now, will you explain to this committee why your recollection serves you so perfectly so far as to the exact language that you employed concerning your conversation with Lloyd Clouse about his boys going before the grand jury, and that you draw a blank or give an evasive answer concerning every other occasion I have asked you about here this afternoon?

Mr. Bassham. I remember distinctly what I told Lloyd Clouse.

Senator La Follette. How do you remember that more distinctly than you do anything else?

Mr. Bassham. I know that I would not tell a man not to take a witness before

a grand jury.
Senator LA FOLLETTE. I want to tell you that my experience with you on the witness stand convinces me that of all of the evasive witnesses this committee has had to deal with you are the worst. You had an interest, did you

<sup>&</sup>lt;sup>1</sup> Pt. 13, pp. 4462-4463. See also testimony of Mrs. Minnie Clouse, pt. 13, p. 4465. <sup>2</sup> Testimony of Jasper Clouse, pt. 13, pp. 4480-4482. See also testimony of Pearl Bassham, pt. 13, pp. 4536-4547. At the time of his death Lloyd Clouse was a volunteer union organizer.

not, in seeing to it that these men who were in your employ were not identified as having taken part in the shooting, weren't you?

Mr. Bassham. No, sir.

Senator La Follette. Why didn't you have an interest?

Mr. Bassham. I certainly did not back them up in any shooting. Senator La Follette. Well, but if they were in your employ they were your

agents, weren't they?
Mr. Bassham. I did not assume any responsibility for them going out and breaking the law, and they were off of my property.1

The fury of the deputies and thugs was turned on the local organizers who were resident within the county. Marshall A. Musick, who was active as an organizer in the central part of the county, was still living with his wife and children outside the village of Evarts when the union drive began in January 1937. William Clontz, organizer for the western part of the county, resided at Wallins Creek with his wife and son. In January 1937, when the union renewed activity, Mr. Musick and Mr. Clontz became once more targets for attack.

Mr. Musick was selected as the first victim. During the last week in January Ben Unthank approached Hugh Taylor, who was stationed at Shields, and was reported by Mr. Taylor to say "Get Musick whipped." "He had a \$10 bill to give the man to whip him," Mr. Taylor testified, and "He said to get some coal digger to whip him up." 2- Mr. Taylor arranged with Ase Cusick,3 who operated a beer stand at Shields, to beat up Mr. Musick.4 On Sunday afternoon, January 31, 1937, Mr. and Mrs. Musick left their home at Evarts and walked down the road to Ridgeway to visit with two deacons of the Baptist Church, James H. Brewer and one Mr. Adkins. Along the highway above Lejunior they passed by a car in which Robert Eldridge and Hugh Taylor were sitting together with Tom Holmes, a coal operator who was manager of the Cooke & Sharpe Coal Co. Nearby there was another car parked in which Frank White and Lee Fleenor were seated. As Mr. and Mrs. Musick proceeded down the highway, the car bearing Taylor, Eldridge, and Holmes cruised back Hugh Taylor testified as to their conversation:

Mr. Taylor. Mr. Holmes and I were sitting up there talking. While we were sitting up there talking along came Musick, and he says, "There goes Musick and his wife now," and he stood around and talked a while about it. He said, "Go on down and see Ase. Ase said he wanted to whip him. If Ase is going to whip him now is the chance. Let's go down and tell him about it."

We turned around and went down to Shields.6

At Shields they notified Cusick where Musick was going and according to Taylor, Cusick said "he would see him when he came back down the railroad" and "he would whip him when he came back." They then returned down the road and followed the Musicks until they entered the Adkins' house. Tom Holmes then left to visit his

<sup>1</sup> Pt. 13, pp. 4534-4535.

1 Pt. 12, p. 4259.

A former deputy sheriff, see pt. 10, exhibit 1198-A, p. 3707.

Testimony of Hugh Taylor, pt. 12, p. 4259.

Deputy sheriff formerly in the employ of the Clover Splint Coal Co. He was discharged by the company after he committed a murder in the Harlan County Courthouse. Testimony of Newell G. Alford, pt. 11, p. 4054. The criminal record of Lee Fleenor appears at pt. 10, exhibit 1212, p. 3729. He was convicted of voluntary manslaughter on May 5, 1934, and was sentenced to 15 years in State penitentiary. He received a conditional pardon on December 4, 1935. On November 20, 1936, he was reappointed deputy sheriff by Sheriff Theodore R. Middleton, and was active in January and February 1937. Testimony of Sheriff Theodore R. Middleton, pt. 10, p. 3561.

Pt. 12, pp. 4259-4260.

Testimony of Hugh Taylor, pt. 12, pp. 4260-4261.

brother-in-law, James Brewer, stating that he was then going to Clover Splint to meet his wife. Eldridge and Taylor waited on the highway in their car. At that point Frank White drove up in his car and asked where the Musicks had gone. He told Taylor and Eldridge to keep watch on the Musicks and drove off to the town of Ages. There he picked up two members of his gang known as the "Sargent boys," White returned near where Taylor and Eldridge were parked and left the Sargent boys on a hill behind the road. White then drove off again and returned a short time later with Allen Bowlin. Bowlin and White went down the road in the opposite direction from the hill on which the Sargent boys had been posted.

While they were visiting with Mr. Adkins, Mrs. Brewer and her 10-year-old son came to the Adkins house in a state of great excitement. They were concerned over the safety of the Musicks because deputies had been cruising about the neighborhood.<sup>2</sup> In the absence of Mrs. Brewer, Tom Holmes dropped in on Mr. Brewer, and told him, according to the latter's testimony "that he was not to be excited about anything," adding "Stay in the house" and "not see anything." Mr. Holmes said that Mr. Musick was going to get a "chouncing." Mrs. Musick came over to see Mr. Brewer and he warned her of im-

pending trouble.4

Mrs. Musick returned to the Adkins' home and she and her husband, thoroughly alarmed, thought it best to go back to Evarts before dark. They walked down the railroad track leading toward the main highway in order to take a bus. When they were several yards from the highway, they heard a horn blow. Thinking it was the bus, they turned and saw two cars stopping on the road nearby. Suddenly they were caught in a cross-fire of bullets. Mr. Musick testified:

While I had stopped to turn, she had advanced possibly 3 feet ahead of me but she was yet holding my coat. I had on a raincoat, and shots began to fire from The second shot that was fired, I felt the sting of something on the back of my neck, and my hat left my head, and I caught my hat as it fell and I touched my wife's arm in grabbing at my hat to put it back on my head, and under the excitement she rather turned around in front of me. Some of the bullets were striking in the edge of the highway where there was loose gravel, and it was throwing this gravel on me, and some of the bullets were striking the field of the main-line railroad on my left and striking in a hole of mud and water there, and it was a continual stream of bullets.

There was a car being driven up meeting me and he stopped and reversed his car to get out of the way of this rain of bullets, and he ran his car into the ditch and stopped, and I looked back again and the two cars were still standing on the

I was under the impression from the direction that part of these bullets was coming, that possibly that was coming out of the hill. There was a little elevation that came down into the highway just at the point I was when the shooting started up, and I did not see anything with the exception of the men that were in the car. A number of people came out from the houses on the left-hand side of the main line of the railroad, and on the side of the highway possibly 200 people,

men, women, and children, came out into the highway.

My wife said, "Let us wait here for the bus", and I told her I did not think it was best, but let us walk on. She apparently could not—she was so nervous she was not able to walk, and we rested for possibly a minute until she rather

<sup>1</sup> The Sargent boys were employed in the shooting and gassing of Chad Middleton at Evarts in 1936, along with Frank White (testimony of Kelly Fox, pt. 13, p. 4435).

1 Testimony of Marshal A. Musick, pt. 12, pp. 4230-4231.

1 Testimony of James Brewer, pt. 12, pp. 4244-4245.

1 Testimony of James Brewer, pt. 12, p. 4243.

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come to her composure, and we walked down the pike for a short distance, down the crossing where we left the highway possibly a thousand feet to where this bus that we was expecting overtook us, and we loaded up on that bus and drove down to this White Elephant saloon. The bus stopped to pick up passengers, and the same two cars that was there as we passed by came back and parked by the side of the saloon again near the point that they were as we went by. We went on home on the bus.1

At this time Mr. Taylor and Mr. Eldridge were still parked on the road. Mr. Taylor described the shooting as follows:

Mr. TAYLOR. I did not see any shots fired, all I saw was where the bullets had hit; you could look at the road and see the smoke raise up from the gravel. It was a gravel road and tar put in it. You could see the smoke rise from it where the bullets hit.

Senator LA FOLLETTE. From the way the bullets were striking the road did you

get any idea of where they were coming from?

Mr. TAYLOR. Yes; coming out of the hill around there to the right; coming down or off of one of them spurs up there. It sounded like it was up there somewhere. Senator La Follette. Could you tell, from your experience with firearms, and from the reports of the firearms, what type of weapons they were?

Mr. Taylor. They were rifles of some sort.

Senator LA FOLLETTE. Would you say they were high-powered rifles?

Mr. TAYLOR. Yes, they were high-powered rifles.

Senator LA FOLLETTE. Now, when White went up the road, or down the road, and apparently left the Sargent boys out of his car, was that up the road from the hollow or toward the hollow?
Mr. TAYLOR. It was above the hollow.

Senator La Follette. Now, from your knowledge of the topography there, would it have been possible for them to have gone, without your seeing them, back

down to the place where these shots seemed to be coming from?

Mr. TAYLOR. Yes, sir; they could have went that way.

Senator LA FOLLETTE. How would that have been possible?

Mr. TAYLOR, Well, that is a kind of a roll there. We call them knobs; I don't know what you may call them, but a kind of a roll up there. They could have went on the other side of the curve from where I was at. There are no houses up there. They could have come out and went up the spur and crossed down the hollow. That is all I saw.

Senator LA Follette. Could that have been done, would you say, in the time that elapsed between the trip that was made up the road to let them out and the

time the shooting started?

Mr. TAYLOR. Oh, yes.

Senator La Follette. Was there enough time elapsed for that?
Mr. Taylor. Oh, yes; plenty of it.
Senator La Follette. Now, where was Frank White's car when the shooting was going on; do you know?

Mr. TAYLOR. He was running on by them.

Senator La Follette. He had passed the Musicks?

Mr. TAYLOR. He had passed the Musicks. Senator LA FOLLETTE. And was below them? Mr. TAYLOR. Yes, sir.<sup>2</sup>

The following morning Mr. Taylor met Frank White, who was laughing about the incident. He also met Wash Irwin, whom he had not seen the night before at the scene but who appeared very well informed about what took place. Wash Irwin said that Frank White had given the signal for the shooting from the hill, and according to Hugh Taylor:

He said if it had not been for Musick's wife getting over there he would have gotten a bullet through him. She saved him. He said, "She got on the wrong side of him, between the shots and Musick." \*

<sup>1</sup> Pt. 12, pp. 4232-4233. 2 Pt. 12, pp. 4262-4263. 3 Pt. 12, p. 4264.

Tom Holmes, who had been present during the testimony of the other witnesses, had no comment to make other than that he had not told Mr. Brewer "that he had a choust" for Mr. Musick, or that "my gang had a chousting for Mr. Musick." He admitted cautioning Mr. Brewer to stay in the house.1 He had no comment to make on Mr. Taylor's testimony that they had arranged with Ase Cusick to beat up Mr. Musick.<sup>1</sup>

The net tightened around Mr. Musick and Mr. Clontz. February 2, 1937, Marion Howard, nephew of Ben Unthank, came to see William Clontz and delivered a warning from Ben Unthank that he would not be safe if he went out after dark. On February 4, Homer Clontz, his son, drove down into the town of Wallins Creek to attend band practice. As he passed by a dark alley beside the Baptist Church, a spray of bullets struck the car, 11 bullets piercing the left rear fender. Some of the bullets missed the car and hit some houses on the other side of the street. The persons who did the shooting were not apprehended.

At the same time, Marshall Musick was receiving warnings from his friends that he should leave town. On February 2, 1937, James H. Brewer warned Mr. Musick that he should leave the county. Mr. Brewer testified: "I thought he would be killed \* \* \* everything looked that way." For his part in the Musick affair, Mr. Brewer did not escape the attention of the deputies. Ben Unthank's chief assistants, George Lee, Lee Fleenor, and Allen Bowlin, visited his house on February 4, to search "for 1,100 pounds of meat supposed to be stolen":

Senator LA FOLLETTE. What did they say?

Mr. Brewer. They said they had a search warrant for 1,100 pounds of meat.

Senator LA FOLLETTE. For 1,100 pounds of meat?

Mr. Brewer. Yes, sir. Senator La Follette. Did they show you the search warrant?

Mr. Brewer. No, sir.

Senator LA FOLLETTE. Did you ask them to show it?

Mr. Brewer. Yes, sir. Senator La Follette. They refused to show it to you?

Mr. Brewer. They did.

Senator La Follette. They refused to show you the search warrant?

Mr. Brewer. Yes; they would not show it to me.

Senator La Follette. Had you heard about any theft of 1,100 pounds of meat?

Mr. Brewer. Not at that time.

Senator LA FOLLETTE. Where did they look for the meat?

Mr. Brewer. Looked in the dresser drawer, the chiffrobe.

Senator LA FOLLETTE. In the dresser drawers? Mr. Brewer. Yes.

Senator LA Follette. They were looking for 1,100 pounds of meat in your dresser drawers?

Mr. Brewer. They said that is what they were searching for. Senator LA FOLLETTE. What do you think they were searching for? Mr. Brewer. United Mine Workers' literature. Senator LA FOLLETTE. Did they find anything?

Mr. Brewer. No, sir.

Senator LA FOLLETTE. Did they find any literature?

Mr. Brewer. No, sir.

<sup>&</sup>lt;sup>1</sup> Testimony of Tom Holmes, pt. 12, pp. 4298–4299.

<sup>3</sup> Testimony of William Clontz, pt. 12, pp. 4228–4229. A photograph of the damaged car is held in the committee's files as exhibit 1298.

Senator La Follette. Did they find any meat?

Mr. Brewer. No, sir.

Senator LA FOLLETTE. What did they do then?

Mr. Brewer. They went away.1

The visit of the deputies was a silent warning to Mr. Brewer not to interfere with the Musick affair.

On the evening of February 8, when Frank White was describing to Hugh Taylor the ambushing of the organizers, he brought up another matter for discussion. According to Hugh Taylor, Frank White said:

We will go down and shoot up the Musick's home and run him out.

The conversation went on as follows:

Mr. TAYLOR. He said, "We will go down there." I asked him what he would do, and he said, "We will go and shoot it up." I asked him who was going, and he said there was a bunch of them.

Senator LA FOLLETTE. What did he say about there being money?

Mr. TAYLOR. He said there would be money in it; yes.

Senator LA FOLLETTE. Did he say how much?

Mr. TAYLOR. He said it would be so much more; it would be "\$100 more in your pay.

Senator LA FOLLETTE. \$100 if you took part in it?

Mr. TAYLOR. \$100 more in the pay; yes.

Senator LA FOLLETTE. Did you accept the proposition?

Mr. TAYLOR. I told him I would, but I did not.2

Hugh Taylor went to stay with Robert Eldridge to avoid meeting Frank White again. Later the same evening Wash Irwin came to Eldridge's house looking for Taylor. He was accompanied by the-

two Sargent boys and one woman, some kind of woman. He sent the woman and the Sargent boys, both, out.3

Wash Irwin explained to Hugh Taylor that Ben Unthank would finance the raid.

Senator La Follette. Now, when Wash Irwin was discussing with you the shooting up of the Musick house did he mention any consideration that might be in it, any amount of money or anything?
Mr. TAYLOR. Yes; he said I would get \$100 for the job.

Senator La Follette. Did he say he would pay it?

Mr. TAYLOR. He did not say exactly he would pay it, but he inferred that Unthank would be the rudder of it—he did not exactly say it that way either, but that was what he was referring to, I can tell from his talk.4

Hugh Taylor made a noncommital reply to Irwin. He gave his reasons in the following testimony:

Senator LA Follette. You say you turned down this proposition but you did not flatly refuse it?

Mr. TAYLOR. I was afraid to refuse it. Senator LA FOLLETTE. Why?

Mr. TAYLOR. I was afraid of dying. I was afraid of being killed.

Senator LA FOLLETTE. What?

Mr. TAYLOR. I was afraid I would get killed. I was afraid if I refused I would get killed.4

Frank White was absent from the committee's hearings without leave and was unavailable for comment.<sup>5</sup> Wash Irwin, who followed Hugh Taylor on the witness stand, left his testimony unchallenged.

Pt. 12, p. 4247.

<sup>Pt. 12, p. 4226.
Testimony of Hugh Taylor, pt. 12, p. 4267.
Pt. 12, p. 4268.
Statement of the chairman, pt. 12, p. 4288.</sup> 

<sup>•</sup> Pt. 12, p. 4289.

On February 9, 1937, Mr. Musick heard word of the ambushing of the organizers which had taken place on the day before. Shortly thereafter on the street in Evarts he met George Middleton, an uncle of the high sheriff. George Middleton told Mr. Musick, according to the latter's testimony:

I have always took you to be a good man, you have lived in my property for a year and a half, and I think you are a good man, and I feel like I ought to advise you that your life is in immediate danger, and I want to advise you as a friend that you had better get out of town and out of the county before you are killed.<sup>2</sup>

On the same day Mr. Musick encountered John Clemm, policecourt judge of Evarts, on the street. Mr. Musick reported that the following conversation took place:

Immediately after noon that day, I met Mr. John Clemm, the police judge of that town, and he gave me almost exactly the same advice, with this exception, that he said, "My life has been threatened just like yours," and I said "Judge, what is your trouble?" And he said, "Well, I am in trouble with the same gang." And I said, "How come you to break with them? You and they have been good friends." "Well," he said, "Merle Middleton, the president of this bus company, I decided some cases against him here in the city and he has been angry with me, and my life is in jeopardy just like yours." He said, "Possibly both of us will have to leave the county."

The attempt on his life on a preceding Sunday and the warnings he received made Mr. Musick finally determine to abandon the county in which he had lived for over 14 years. His decision was reinforced by the fact that Ben Unthank, Frank White, Lee Fleenor, and George Lee and Wash Irwin, together with three carloads of deputies, were circulating through the streets in the town of Evarts "where they could see what I was doing, where I was going, and what buildings I was going into." After discussing the matter with his wife, he was convinced by her argument that the family would be safer if he were away from home. He parted with his family, believing that his absence would avert the menace against his wife and children. But it was to no avail.

Mr. Musick. This was along possibly 3 o'clock in the afternoon.<sup>5</sup> I stayed home and sat around with my wife until very late, and the train that went up the head of the hollow and back generally went out about 7 o'clock: I called my boy Bennett just before I started to the train after dark, and I related to him the warning that we had had, and when I started to leave the house I said, "Bennett, I want you to stay here tonight and try to take care and watch and take care of your mother and the other children." And he said, "Pop, I will do that." And that is the last words I even heard him speak. I left on the train and when I got off that train at Pineville there was a message in the hotel that my boy was killed in the home.

Senator La Follette. About what time did you arrive at Pineville?

Mr. Musick. About 9 o'clock.

Senator LA FOLLETTE. When did you receive word that your son had been killed?

Mr. Musick. As soon as I came in the lobby of the hotel, Mr. Arnett was in there, and he came over from the clerk's office and he said, "Brother Musick, I have some sad news for you. Your son is killed in your home up at Evarts."

The murder of Bennett Musick occurred at about 8:30 p. m. in the evening of February 9, 1937. Mrs. Musick and her three sons

See p. 93. Pt. 12. p. 4233. Pt. 12, p. 4234.

Testimony of Marshall A. Musick, pt. 12, p. 4234.

<sup>February 9, 1937.
Pt. 12, pp. 4234-4235.</sup> 

were sitting about the fireplace and her daughter was busy at household tasks when a shower of bullets tore through the walls of the house. Mrs. Musick, the boy's mother, described what took place:

Well, I could not tell how many shots, it was so excitable and unexpected. The first shot that I heard, I was reading the paper next to the baby boy who had just come back from Evarts and brought the day's paper and handed it to me, and I was reading the paper, and the first shot, I thought just for a second it was something exploded in the grate. I was setting in front of the grate, and I looked down, and by that time there was another one, and at that time, of course, I did not remember seeing Bennett go out of the room at that particular time. It was a week before it come to me that I never did think I saw him leave, but in a week I remembered seeing him just kind of crawl to go into the bedroom, and he must have fell. This boy that is 14 was setting on the studio couch at the end that came around to the door to go into the bedroom, and he said Bennett just rose out of his chair and went in the front room, and just fell into the bedroom, but he had turned. He was lying right around a trunk just to the left of the door. He crawled around and his feet were past the door.

After the shooting had stopped, Mrs. Musick called the roll of her family:

We hushed for 2 or 3 seconds, or 2 or 3 minutes maybe, then the shooting stopped, and I thought—well, I said, "Are any of you shot?" And the baby boy said, "I am shot in the arm," and Pauline said, "I am not shot," and Virgil went behind the door, the 14 year old boy got behind the door, and two bullets went in just above his head. He just scattered down behind the door that stood open just a little, and I took Bennett by the shoulder.

It was then that Mrs. Musick discovered that Bennett was dead.

I shook Bennett, and he was dead. We did not have a light in the room, and Pauline and I just drug him to the door where that light shined in from the living room and seen he was dead. She unbuttoned the clothes and felt his chest, and he was already dead.<sup>1</sup>

The 14-year-old boy ran over to Floyd Creech's, next door neighbor; Mr. Creech was getting out of bed, having heard the shots, and putting his clothes on to go over to Musick's. Mrs. Musick continued her narrative of events:

Mr. Creech came over and said that he was dead, and I asked him if he would go and call my husband, and he said he would, and Pauline washed Bennett's face, and some more neighbors came, too, at that time, and they helped us, and we laid him out on the studio couch.<sup>1</sup>

Mrs. Musick was unable to fix the direction from which the shots had come, but she believed they came from the road.

Senator LA FOLLETTE. Could you tell from the direction of the shots as they entered your house where they were fired from? Did you gain any impression?

Mrs. Musick. I thought at the time they were just somewhere right around the house. They made such a ring. The first one went just like something exploded. It seemed like I could not hear it for a long time, but it just deafened me, and I thought it was right around the house. I did not have any idea they were shooting from the road. I just had an idea that we had the window shades down, and it was cream-colored window shades, and I had an idea that they seen the boy—his back was setting toward the first shot that came in, and I just had an idea that someone looked in and thought that was his daddy. That is what I thought. But I reckon they must have come from the pike.

The night of February 9, after learning of the death of his son, Marshall Musick frantically sought to return to Harlan County from Pineville and bring back his family and the body of his son. He

<sup>&</sup>lt;sup>1</sup> Pt. 12, pp. 4238-4239.

spoke to Sheriff Ridings of Bell County and appealed for an escort. He was told it was too dangerous.

I asked the sheriff to take me home, and Sheriff Ridings said, "Mr. Musick, I cannot afford to do that. Possibly you and me both would be killed", and he said, "I will do this. I will get some of my deputies"—he told me of some brave men he had, deputy sheriffs in that county, that he would gather them up and get a couple of cars and go to an undertaker and get the ambulance, and the two cars, and they would bring my wife and the other children out, and the undertaker would bring the corpse out. I talked to a number of men there, and they all told me that they could not afford to take me up there that possibly they they all told me that they could not afford to take me up there, that possibly they would be killed. Sheriff Ridings left, and I waited until late in the night, possibly 4 o'clock or approximately 3 o'clock that night, and one of the Ridings' sheriffs, I don't know whether it was the high sheriff or his deputy, came in and told me that he had been up there and told me about how the house was shot full of holes, and that after he went to the home and the condition thereof up there, that it was too dangerous for him to undertake to take my family out, and he was unable to get an undertaker to go in there owing to the fact that they were afraid of being killed, and he told me that the doctors up there would not go to the home, that they were afraid.1

The following day, the Musick family left Harlan County, taking the dead body of Bennett Musick with them.

There was an eyewitness to the shooting into the Musick house. Kelly Fox, a former deputy sheriff, was employed as an automobile mechanic at the Black Motor Co. at Evarts, Ky. He lived four houses removed from the home of Mr. and Mrs. Musick. On February 9, 1937, the night of the shooting, he was returning home, crossing a footbridge over the river that ran below the road where the Musick house was located. As he left the bridge to go up toward the highway to his house, he saw three cars coming down the road. As they passed the Musick house, shots were fired from the three cars. Fox stopped behind several large rocks which lay between the river and the highway. One of the cars drew up opposite the Musick house. The other two cars drive up the road and circling around returned slowly to join the other car. There were three men in the parked car. Two of the men placed their guns out of the windows and continued shooting into the house. The headlights of the cars that were moving back down the road illuminated the parked car. Kelly Fox recognized one of the men in the parked car as Frank White. Mr. Fox reported the incident to Bryan Middleton, brother of the high sheriff, who was a personal friend of his. However, he did not report it to the authori-He had vivid memories of the time in 1936 when he had appeared as a witness against Frank White in connection with the shooting of Chad Middleton. The recollection of armed gunmen eyeing him in the courtroom was sufficient to seal his lips.2

The series of crimes which had followed in close succession after the gassing of the New Harlan Hotel and the dynamiting of the organizers. cars on January 23, 1937, culminating in the murder of Bennett Musick on February 9, 1937, forced the county authorities to take some action. A special term of the Harlan County grand jury met on February 15,

16, and 17 to investigate the outrages.

The grand jury in Harlan County is selected by three jury commissioners who are appointed by the circuit court judge. Some time in January 1937, Judge James M. Gilbert summoned Bassett M.

<sup>&</sup>lt;sup>1</sup> Pt. 12, p. 4235.

Testimony of Kelly Fox, pt. 13, pp. 4431-4436.

Warren to his office. Mr. Warren was a businessman who had formerly been a miner and a member of the United Mine Workers of America. According to Mr. Warren's testimony, Judge Gilbert told him that he wanted him to serve as jury commissioner "and get it out of politics if he could; that his dockets had been delayed or something like that." Mr. Warren accepted the offer and according to his testimony, Judge Gilbert said, "I will call you some time in February." Later Mr. Warren was notified to appear at the courthouse and to be sworn in as jury commissioner. However, he did not take office. "A day or two before the date come," he said, "I got another call which said for me not to come that Judge Gilbert was sick." On February 15, 1937, Mr. Warren received the following letter from Judge Gilbert:

My DEAR MR. WARREN: When I had the Clerk call you several days ago I found that I did not feel well enough to come to Harlan and take up the question

of filling the Jury wheel.

Since I had you called before or about that time this Musick boy was killed which has brought on a condition that would cause it to be awfully hard on you to act as jury commissioner. Besides that a few years ago there was a lot of trouble at Evarts, close by where you live. If you were to go on the commission at this time it would make it extremely embarrassing to you by reason of people in that particular community who are not qualified but who are vitally concerned in some of these matters insisting on you putting them in the wheel, a position that would be much too hard for you to have to deal with and one that I shall not ask you to undergo.

For that reason I have decided that the safer and better course for the administration of justice and to avoid criticism against you, as well as criticism against myself, I feel that it is best to appoint another person, which I am accordingly

doing.

I had very much desired to have you on this Jury Commission, but I do not

want to put you in a position where you would be embarrassed.

I trust that I may have you to assist me in some other way at an early date. Assuring you of the highest personal regard and very best wishes for you and yours, I am, Your friend,

(Signed) JAMES M. GILBERT.1

In the place of Mr. Warren, Judge James M. Gilbert selected for jury Commissioner, W. Thomas Holmes, manager of the Cooke

& Sharpe Coal Co., at Lejunior, Ky.

In place of an impartial commissioner, Judge Gilbert obtained a coal operator who was not quite free of being implicated in the designs against Musick. Mr. Holmes was the man who, according to the testimony of Hugh Taylor, had arranged for a man to attack Mr. Musick on the highway on January 31, 1937. Mr. Holmes did not contradict this statement, nor did he deny warning his brother-inlaw, James H. Brewer, on that day, to remain in his house in order not to see what was going to take place outside.2 To what extent Mr. Holmes was involved in the shooting of Mr. and Mrs. Musick while they were returning from visiting Mr. Adkins on January 31, is not established. It is clear, however, that a grand jury selected by Mr. Holmes and his fellow commissioners would not be likely to inquire deeply into Mr. Holmes' own connection with the crime.

Even an impartial grand jury would have operated under handicaps. Criminal prosecutions in Harlan County are conducted under the

Pt. 12. exhibit 1304, pp. 4296-4297.
 Testimony of W. T. Holmes, pt. 12, pp. 4298-4299.

general direction of the Commonwealth attorney. In 1937 the commonwealth attorney was Daniel Boone Smith, who was receiving regular monthly retainers from Mr. Bassham's Harlan Wallins Coal Corporation and from two other coal companies.

Furthermore, the chief law-enforcer ent officer in Harlan County was the high sheriff, Theodore R. Middleton. Forthwith, the sheriff assured the grand jury that there had not been any disorders "of any importance during the last 2 years." He said, in part:

Leading up to these labor disorders here, we have not had any intensive trouble in Harlan County, so to speak, of any importance during the last two years. We have been getting along remarkably well here I think and murders and crimes and unlawfulness of all kinds has been reduced as much as it is possible to do here in this county considering the number of people and the class of people we have here in the coal mines.1

The sheriff was unable to state what he did consider to be a crime "of any importance."

Senator LA FOLLETTE. You did not think all of these shootings and dynsmitings were labor troubles of any importance?

Mr. MIDDLETON. Well, I don't know about that.

Senator LA FOLLETTE. Well, those I have recited did not seem to constitute anything of importance, according to your statement. How many more would there have to be to have been a matter of importance, before you would have told the grand jury you thought it was important? Mr. Middleton. I don't know, Senator.<sup>2</sup>

Before this committee the high sheriff made a statement far different from that which he had made to the grand jury.

Senator LA FOLLETTE. Well, now, you say you have listened to this testimony. Hasn't this testimony convinced you, even you, Sheriff, that a large percentage of the lawlessness, the violence and the crimes that this committee has inquired into in relation to Harlan County result from your deputies and your alliance with the coal operators in Harlan County?

Mr. MIDDLETON. Well, there has been a lot of violence and crime committed

by my deputies, I think that is right.3

The grand-jury commissioners took no chances in their selection of the grand jury. The foreman of the special grand jury in February was Homer Highbaugh, son-in-law of A. B. Cornett, vice president of the Cornett-Lewis Coal Co. Mr. Highbaugh had served as a deputy sheriff under Theodore R. Middleton since December 4, 1934. foreman of the regular grand jury in March was Hans Bennett, whose brother, C. V. Bennett, is a coal operator interested in the Dixie Coal Co., the Harlan Central Coal Co., and the Rex Mining Co. The foresight of Judge James H. Gilbert in substituting Mr. Holmes for Mr. Warren was rewarded. Neither the special term February grand jury nor the regular March grand jury returned any indictments.

A revulsion of sentiment swept Harlan County as a result of the cold-blooded murder of Bennett Musick by the night riders of Ben Unthank. Voices were raised in protest, even among the deputies. Henry M. Lewis, chief deputy under High Sheriff Theodore R.

<sup>&</sup>lt;sup>1</sup> Pt. 13, exhibit 1313, p. 4633.

Pt. 13, p. 4412.
Pt. 13, p. 4416.

<sup>4</sup> Testimony of Daniel Boone Smith, pt. 12, pp. 4332-4333.

Middleton, tendered his resignation on February 20, 1937. He explained his action by saying:

Well, there were things going on all over the county that I did not approve of. He amplified this statement:

Well, lots of things had happened that I did not know how they happened or who done it. You take killing the Musick boy in Harlan County was a bad piece of work by somebody. I don't know who did it, or anything about it. It was about as bad a crowd as ever happened to be in our county. That house being shot up in the night and that boy killed, that was a bad piece of business.

Hugh Taylor was so shocked by the murder of young Musick that his emotions overcame his caution. The day following the attack on the Musick home, he was warned not to talk about the affair. Unthank himself ordered Taylor to keep silent.

Senator LA FOLLETTE. You say you first heard of the murder of the Musick boy on the morning of February 10 and you heard it in Harlan Town. Who first told you about it?

Mr. TAYLOR. The first I heard about it was Lee Ficenor told me.
Senator La Follette. What did he say?
Mr. TAYLOR. He asked me had I heard about it. I told him no, I had not.
He turned and walked off, left me. Then Ben Unthank came up and asked me if I heard anything. I said I heard Musick's boy was killed, and he asked me who told me and I told him Lee Fleenor. He says, "Well, don't talk any more about that." He said, "Let them get the news out." He said, "Don't say anything more about it." 2

After the Musick murder, when the special term February grand jury was holding its inquiry on February 15, 16, and 17, Hugh Taylor permitted himself to protest against the violence of the gangs. Rashly, he spoke his thoughts to Frank White.

Senator LA FOLLETTE. Where were you talking to him? Mr. TAYLOR. I was talking to him in the Harlan courthouse.

Senator LA FOLLETTE. In whose office?

Mr. TAYLOR. The sheriff's office.

Senator LA Follette. Now, tell us just what was said between you and Frank

White on that occasion.

Mr. TAYLOR. Well, in the sheriff's office I was talking about it and I told him were talking about the special grand jury that was called there. I says, "It is a shame", I says, "that the county gets into such a damn shape like this, the deputy sheriffs getting out of here and doing all of this, most of this being done by them; it is a disgrace." I says, "You fellows are going to get us all put in the penitentiary, or right in hell somewhere, maybe where we all belong" I says, "the way you are doing it." He said I had better keep my mouth shut or I might go down, too. I told him I might go down, but somebody would go right down with me, too.

On February 20, 1937, Frank White made good his threat. evening Hugh Taylor was in a saloon with David Sullenberger, whose father operated the Clubhouse at Shields, where the Berger Coal Co. deputies stayed. Wash Irwin noticed him and said, according to Taylor: "You don't belong here," he says, "you better go back down to Shields." Taylor and Sullenberger left the saloon and drove back in the direction of Shields. They were overtaken by a car driven by Frank White, who had with him Wash Irwin and a third White sounded his horn, and Taylor drew his car to a halt to see what he wanted. White approached Taylor, who was at the

Pt. 11, p. 4009. Pt. 12, pp. 4269-4270. Pt. 12, p. 4270.

driver's seat, and Irwin and his companion came up on the other side. After a brief greeting, White and Irwin suddenly drew their pistols and fired point blank at Taylor and Sullenberger, hitting them five times, though not fatally. Taylor described what took place as follows:

The car came up behind me. His car came up behind me and he blowed his horn for me to stop. I told the boys I better stop and see what he wants. I stopped and Frank got out. I saw him getting out. I waited for him to come up there. He says, "Where are you going?" I says, "I am going to bed." I cast my eyes to the side and I saw somebody else walk out from the car; I saw Wash Irwin and somebody else right alongside of him, and Wash Irwin had a pistol; it looked to me like a bright-looking automatic; and Frank says, "You will like hell." He stuck the pistol alongside of my head, and when he stuck the pistol alongside of my head I grabbed the pistol with my left hand and jerked it up, and when I jerked the pistol up he fired on me.
Senator LA FOLLETTE. Were you hit?

Mr. TAYLOR. Yes.

Senator LA FOLLETTE. Where.
Mr. TAYLOR. I was hit in the fingers, the last finger right here [indicating]; it hit that finger there and went through here [indicating] and came right out through here [indicating].

Senator LA FOLLETTE. That is the left hand?

Mr. TAYLOR. That is the left hand. That is the hand I grabbed it with.

Taylor then reached for the pistol with his right hand, and White fired through the knuckles, breaking the hand. Taylor was left helpless. He managed to struggle out of the car and ran for the side of the road. He testified further:

The door of the car came open; I don't know how I could get it opened, but I got it opened, I don't know, how, but, anyway, the door came open, and I had two 45's, and I reached for them, but I could not do nothing with them; I could do nothing with my hands to get them, and then I turned to run, and when I broke into a run he shot me. I started to go on a run, and just as I started to there he shot me through the hip, out through the groin here [indicating], and that run me down.1

As he lay helpless on the ground, White and Irwin drew close to deliver a final blow. But they decided it was not necessary.

Mr. TAYLOR. Then I laid down. They came to examine me. I laid there flat dead. Wash Irwin got to me there. My right hand was spurting blood; the artery was cut, and the thought struck me that I could not run, I could not get away, and I held my arm up to my breast, and I held it up so that blood got on my breast so it would look like I was shot through the chest somewhere, so he would not shoot me again. I laid there, letting the blood come down on my chest, and they turned me over and examined me. He says, "He is as dead as he will ever be." Frank White said, "Let the damn son-of-a-bitch lie there. He will quit talking." Then he took my two pistols. I was afraid to wiggle my head so I lay down there and every ever in a while he would reach ever there and head, so I lay down there and every once in a while he would reach over there and see the blood spurting, and then he came back down again and turned me over and examined me again, and he said, "He is as dead as he will ever be."

I lay like a possum again, and he looked at me and examined me again, and then he took my flashlight, my blackjack, my fountain pen, and stuck them in his pockets and went on.1

David Sullenberger was also injured by the bullets of Irwin and White. He confirmed Hugh Taylor's testimony and added:

Mr. SULLENBERGER. And when the shooting started I got hit five times. And Mr. Taylor got out of the car door; Mr. Taylor jumped out of the car some way or another, and when he done that I fell over in the seat like I was dead.

<sup>&</sup>lt;sup>1</sup> Pt. 12, pp. 4271-4272.

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Senator La Follette. And you had been hit? Mr. SULLENBERGER. I had been hit five times.

Senator La Follette. And do you know from whose gun the bullets came that struck you?

Mr. Sullenberger. From both sides of the car.

Senator La Follette. From both sides. Did you know who was shooting on your side?

Mr. Sullenberger. Wash Irwin for one.

Senator LA FOLLETTE. Was the other man-shooting?

Mr. Sullenberger. I couldn't say, but I can say I got a shot through the back. Senator LA Follette. Where were you hit?
Mr. Sullenberger. I was hit on both legs, both arms, and through the right shoulder.4

The third man who accompanied Frank White and Wash Irwin dragged Sullenberger out of the car and took away his wallet. Sullenberger testified that Frank White "spoke up then and said, 'I ought to shoot you again." At that point, a car came along the road and the three gunmen quickly drove away. The passengers in the car took Sullenberger and Taylor to the hospital at Harlan. Later, fearing for their lives, they were transferred to the hospital at Pineville. 2

Frank White was not available as a witness before this committee, having remained absent without leave.3 Wash Irwin had only the

following comment to make:

Senator LA FOLLETTE. You understand that if you desire to make any comment on the testimony of Mr. Hugh Taylor or Mr. David Sullenberger this is your opportunity to do so. You understand that, do you not?

Mr. Irwin. I ain't got no compliments to say about it.

Wash Irwin and Frank White had taken Hugh Taylor's guns from his apparently lifeless body. They carried the guns back to their chief, the high sheriff, Theodore R. Middleton, and presented them to him as trophies. Middleton himself described their visit:

Well, sometime after I returned from the hospital these two men came down to my home and reported on the trouble they had had, and they returned these two .45 automatics over to me there. They said they had taken the two guns off of Hugh Taylor.5

The high sheriff accepted the pistols and let the culprits go free. Frank White, expert gas-man and machine-gun man, continued to serve the public as a "peace officer."

Senator La Follette. Have you removed Frank White as a deputy?

Mr. MIDDLETON. I have not.

Senator LA FOLLETTE. Is it your habit to have deputies who have been charged with crimes of violence, bound over for trial or appearance before a grand jury, continue to serve as "peace officers" in your county?

Mr. Middleton. I think, as a rule, we do not dismiss an officer or cancel his appointment until he is convicted.

Senator LA FOLLETTE. Even though he came to you and surrendered the weapons he had taken off the man who had been shot and left for dead? ...

Mr. MIDDLETON. Yes, sir.

After these events, the organizers for the United Mine Workers did not attempt to reenter Harlan County. On March 22, 1937, L. T. Arnett, vice president of district 19, went to Frankfort, Ky., to appeal

<sup>1</sup> Pt. 12, p. 4287.
2 Pt. 12, p. 4288, testimony of David Sullenberger; pt. 12, p. 4274, testimony of Hugh Taylor.
3 Pt. 12, p. 4288.
4 Pt. 12, p. 4280.
4 Pt. 13, p. 4422.
4 Pt. 13, pp. 4422-4423.

to Gov. A. B. Chandler for assistance. Mr. Arnett brought with him 'Thomas Ferguson, whose shoulder was still bearing a wound from the dumdum bullet fired by Harlan County "road killers." The Governor did not give them an audience. They met with the adjutant general of Kentucky, who, according to Mr. Arnett,

advised us that he could not do anything for us in Harlan County unless he was called on by the local authorities up there.

Tom Ferguson blurted out:

it was the local authorities that shot me, the deputy-sheriffs \* \* \* \* They have declared open season on us organizers for the United Mine Workers organization.

The adjutant general repeated, according to the testimony of Mr. Ferguson:

Well, it is strictly up to the local authorities and unless they ask for help, we can do nothing.<sup>3</sup>

In the executive order of January 16, 1937, by which Governor Chandler had dismissed the charges pending against High Sheriff Middleton, he had complimented him as being a "competent, efficient, and energetic official." In spite of subsequent events High Sheriff Theodore R. Middleton and Deputy Sheriff Ben Unthank continued to maintain "law and order," without interference from the State authorities.

## SECTION 8. EVENTS SUBSEQUENT TO THE HEARINGS HELD BY THIS COMMITTEE

On March 22, 1937, this committee opened its hearings on conditions affecting the civil liberties of citizens in Harlan County. The

hearings were concluded on May 5, 1937.

On July 12, 1937, the National Labor Relations Board, by order, permitted district 19 of the United Mine Workers of America to file with it charges under the National Labor Relations Act against the Harlan County Coal Operators' Association and the following com-

panies operating mines in Harlan County:

Harlan Collieries Co., Crummies Creek Coal Co., High Splint Coal Co., Southern Mining Co., Creech Coal Co., R. C. Tway Coal Co., Cornett-Lawis Coal Co., Mary Helen Coal Corporation, Mahan-Ellison Coal Corporation, Harlan Central Coal Co., Harlan Fuel Co., Bardo Coal Co., Blue Diamond Coal Co., Berger Coal Co., Three Point Coal Corporation, Black Mountain Corporation, Black Star Coal Co., Clover Splint Coal Co., King Harlan Co., Southern Harlan Coal Co., Elkhorn Piney Coal Mining Co., Clover Fork Coal Co., Harlan Wallins Coal Corporation, Kentucky Cardinal Coal Corporation, Kentucky King Coal Co., Perkins Coal Co.

On November 27, 1937, the National Labor Relations Board issued a decision and order in the matter of Clover Fork Coal Co. and district 19, United Mine Workers of America. The Board made the following finding with respect to the activities of the Harlan County Coal

Operator's Association:

The evidence in the record clearly indicates that one of the major functions of the Association is to exert the combined power of the coal operators of Harlan

<sup>&</sup>lt;sup>1</sup> Pt. 12, p. 4196. <sup>2</sup> Pt. 12, pp. 4218-4219.

County against the organization of the mine employees, and to interfere with, restrain and coerce the workers in the mines of Harlan County in the exercise of their right to self-organization, and to form, join and assist United Mine Workers of America.

The Board struck boldly at the Harlan County Coal Operators' Association and ordered the company to:

Cease and desist from contributing to, cooperating with, or assisting, through membership therein or otherwise, the Harlan County Coal Operators Association or any other organization engaged in interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, as guaranteed in Section 7 of the National Labor Relations Act.<sup>2</sup>

In addition the Board ordered the company to reinstate, with back pay, 60 men whom it found to have been unjustly dismissed because of their membership in or activities on behalf of the union.

On June 8, 1938, the Circuit Court of Appeals for the Sixth Circuit upheld the order of the Board in full.<sup>3</sup>

As a result of this decision, the other coal companies of Harlan County, which had not yet abandoned their unyielding attitude toward the union, settled their disputes with the union. On August 19, 1938, the Harlan County Coal Operators' Association signed an agreement with the United Mine Workers extending the terms of the Southern Appalachian contract to the Harlan County Coal Operators' Associa-Shortly thereafter a contract similar to the general Appalachian one was signed between district 19 of the United Mine Workers of America and the Harlan County Coal Operators' Association which was to be effective September 1, 1938. At the same time an agreement was reached between the union and the association whereby members of the association agreed to reinstate a total of 243 men who had been discharged because of union membership and to pay these men varying amounts of back pay, depending on the circumstances of each

The facts disclosed at the hearings held by this committee resulted in the entry of another Federal agency into Harlan County. Federal Bureau of Investigation carried on an inquiry for the Department of Justice which on September 27, 1937, resulted in an indictment by the Federal grand jury of the Eastern District of Kentucky under section 51, title 18 of the United States Code, for conspiracy to deprive citizens of the United States of rights secured to them by the Constitution and laws of the United States. The defendants indicted consisted of three groups, as follows:

Company defendants:

Mary Helen Coal Corporation. Harlan Fuel Co.

<sup>14</sup> N. L. R. B, p. 207.

14 N. L. R. B., p. 240.

197 Fed. (2d) 33i.

4 United States Code Annotated, title 18 (Crim. Code and Crim. Proc.), sec, 51. (Crim. Code, sec. 19)

"Conspiracy to injure persons in exercise of civil rights." The statute reads:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege secured, they shall be fined not more than \$5,000 and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States" (R. S. sec. 5508, March 4, 1909, c. 321, sec. 19, 35 Stat. 1092).

Bardo Coal Mining Co. Berger Coal Mining Co. Black Mountain Corporation. Blue Diamond Coal Co. Clover Splint Coal Co. Clover Fork Coal Co. Cornett-Lewis Coal Co. Crummies Creek Coal Co. Harlan Wallins Coal Corporation. High Splint Coal Co. Kentucky Cardinal Coal Corporation. Mahan-Ellison Coal Corporation. Southern Mining Co. R. C. Tway Co.
Three Point Coal Corporation.
Creech Coal Co. Black Star Coal Co. Harlan Collieries Co. Harlan Central Coal Co. Southern Harlan Coal Co. Operator defendants: Silas J. Dickinson. Charles S. Guthrie. George S. Ward.<sup>1</sup> Kenes Bowling. Charles E. Ralston. Elbert J. Asbury. William H. Sienknecht. Armstrong R. Matthews. Denver B. Cornett. Robert E. Lawson. George Whitfield. Roscoe J. Petrie. Lewis P. Johnson. Pearl Bassham. John E. Taylor. John E. Taylor.
James Campbell Stras.
W. Arthur Ellison.
Elijah F. Wright, Jr.
Robert C. Tway.
Elmer D. Hall.
Robert W. Creech.
Charles B. Burchfield. C. Vester Bennett. Bryan W. Whitfield, Jr. Law officer defendants:
Theodore R. Middleton. Ben Unthank. Brutus Metcalfe. George Lee.
John P. Hickey.
Frank White.
Mose Middleton. Sherman Howard. Lee E. Ball. Earl Jones. Charlie Elliot. Merle Middleton. Ballard Irvin. Avery Hensley. Bob Eldridge. Hugh Taylor. Perry G. Noe.

<sup>1</sup> Secretary, Harlan County Coal Operators' Association.

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Lee Hubbard.
Homer Turner, alias D. Y. Turner.
Lee Fleenor.
Bill Lewis.
Allen Bowlin.
Fayette Cox.

On May 16, 1938, the trial of the case was begun in the United: States District Court for the Eastern District before Judge H. Church. Ford. The case went to the jury on July 30, 1938. On August 1, 1938, the trial ended with a hung jury and the judge declared a mistrial. The case has been set for retrial in the forthcoming May term of the court.

On May 31, 1938, there went into effect a statute adopted by the Kentucky legislature forbidding the appointment of strikebreakers or men with criminal records to the office of deputy sheriff. It pro-

hibited also the private employment of deputy sheriffs.<sup>1</sup>

As a result of these developments, conditions in Harlan County appear to be ameliorated, at least for the present. According to a telegram from George J. Titler, secretary-treasurer of district 19 of the U. M. W. in Harlan County, to Senator La Follette, chairman of this committee, dated January 3, 1939, peaceful enjoyment of civil liberties in Harlan County may at last be restored to its residents. The telegram states:

Miners of Harlan county thank you and your committee for bringing peace to Harlan County 10,000 men under contract 2000 in one local union at Lynch Ky. U. S. Coal and Coke Company dissolved company union and cooperating fine. This is direct result of your efforts.

It cannot be too heavily emphasized that this result was achieved only after years of effort by the unions, and not until the national spotlight was focused upon Harlan County through Federal investigations.

<sup>&</sup>lt;sup>1</sup> Kentucky Code, sec. 3766a, Kentucky acts, ch. 19, effective May 31, 1938.

#### REPUBLIC STEEL CORPORATION

In the preceding pages we have described the activities of private police in the company town of Lynch, Ky., and the activities of private deputies in the whole of Harlan County, Ky. The situation in Lynch derives from the ownership of the whole town, including all public functions, with the exception of schools and churches, by a captive mine operating company. In Harlan County itself, the conditions revealed in the preceding chapters exemplify the situation where law-enforcement is subordinated to the private interest of em-In this case, an employers' association, the Harlan County Coal Operators' Association, which obtains two-thirds of its income from absentee controlled mining companies, was responsible for the depredations of justice for the single purpose of preventing miners employed by its members from organizing. Deputy sheriffs, commissioned by the high sheriff of Harlan County, but actually paid and directed by agents of coal operators and of the Harlan County Coal Operators' Association, created a condition of anarchy.

The company police systems of large corporations, when used to suppress the rights of labor to organize, present problems not dissimilar from those of the company town and the private deputies. Of course, the company police systems of large corporations operate in many communities often located in different States, and they do not necessarily possess commissions to act as peace officers on public However, when used as labor-relations agents of the employer, these privately paid, armed guards indulge in the same kind of activities that are often associated with the company town and private deputies. The succeeding pages offer a case study of such a private police system which, through corporate expansion, has pervaded a great many industrial communities. shows that without commissions as public officers and without the complete ownership control of the community, private police systems still tend to invade the rights of citizens in the enjoyment of their civil liberties as soon as the corporation uses its police force to interfere with the right of labor to organize for the purpose of collective bargaining.

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# CHAPTER VI. ORGANIZATION AND FUNCTIONS OF THE REPUBLIC STEEL CORPORATION POLICE FORCE

In its investigation of the "Little Steel" strike of 1937, the committee had an opportunity to make a detailed investigation of the structure and workings of a company police system which operates in an area covered by public police protection. The Republic Steel Corporation has a large and extensive private police force, numbering in ordinary times about 350 men. These police are attached to plants located in communities in the States of New York, Pennsylvania, Ohio, Michigan, and Illinois. These communities have, of course, their own police systems, supported by taxpayers, which protect the life and property of all citizens and corporations in their respective spheres. It is against this background that the organization, functions, and activities of the Republic Steel Corporation's police force must be examined.

In this study it is important to keep in mind that the Republic Steel Corporation is an aggregation of formerly independent steel properties which were brought together in April 1930 under the aegis of certain financial interests in Cleveland.<sup>2</sup> The result was the formation of the third largest steel combine in the country, with plants located in numerous communities, principally in the States of New

York, Pennsylvania, and Ohio.

The expansion of Republic Steel Corporation was not limited to this original merger of April 1930. Other acquisitions added facilities in Cleveland, Canton and Niles in Ohio; Monroe, Mich.; Cumberland, Md.; and Gadsden, Ala. As a result of the original merger in 1930 and the subsequent acquisitions, Republic Steel Corporation had control, at the end of 1937, of properties in most of the industrial sections east of the Mississippi. Steel plants controlled by Republic Steel Corporation are located in Cleveland, Youngstown, Warren, Niles, Canton, and Massillon, all in Ohio; Monroe, Mich.; Cumberland, Md.; Buffalo, N. Y.; Chicago, South Chicago, and Moline, Ill.; Birmingham and Gadsden, Ala. In addition to these steel plants, it acquired manufacturing divisions located, in addition to the abovementioned communities, in Muncie and Gary, Ind.; Philadelphia, Pittsburgh, and Beaver Falls, Pa.; Elyria, Ohio; and Hartford, Conn. Then also, Republic Steel Corporation came into possession of ironore and coal-mining properties in Michigan, Minnesota, Pennsylvania, West Virginia, and Alabama.

The significance of the behavior of Republic Steel Corporation's police department must be viewed in the light of this expanding sphere of influence of the corporation. Geographically widespread,

<sup>&</sup>lt;sup>1</sup> Testimony of James L. Williams, superintendent of the Republic Steel Corporation police, pt. 23, p. 9723.

<sup>2</sup> A full account of the history, predecessors, formation, financing, properties, structure, stockholders, etc., of Republic Steel Corporation appears in pt. 23, as exhibit 4295, on pp. 9821-9854.

the practices of the Republic Steel Corporation affect the lives of people in scores of communities located in numerous States. Economically, too, it has acquired a predominant position. It is the third largest steel company in the country; and the largest industrial concern in the State of Ohio, with over \$350,000,000 in total assets (after depreciation). It is the third largest employer of labor in the steel industry, with over 50,000 employees. Republic Steel Corporation and its policies and practices are matters of national concern. The role of Republic Steel Corporation's police department in the life of the various communities which have progressively fallen under the economic spell of this industrial combine, is of national interest, particularly where the civil rights and liberties of citizens in these several States are seriously concerned.

#### SECTION 1. THE GENESIS OF THE REPUBLIC POLICE SYSTEM

The role of Republic's police department in labor relations is ingrained in the policies of the corporation's management and inbred in its personnel. When the Republic Steel Corporation was formed in April 1930, Tom M. Girdler was made chairman of the board of directors, which position he has held ever since. He also held the presidency of the corporation until April 1937. Mr. Girdler had formerly been assistant superintendent and superintendent of the Aliquippa (Pa.) works of the Jones & Laughlin Steel Corporation, and, later, general manager and president of that company. When he came to the Republic Steel Corporation he brought with him Rufus J. Wysor, now president of Republic Steel Corporation, and Charles M. White, now vice president in charge of operations, both of whom were Mr. Girdler's assistants at Jones & Laughlin. Mr. Wysor was formerly general manager of Jones & Laughlin and Mr. White, general superintendent of its Aliquippa works. Mr. Girdler also brought with him from Aliquippa several of the officers of the Jones & Laughlin police force to lead the newly organized force of Republic Steel Corporation. James L. Williams, now superintendent of Republic police, had been a lieutenant of the Jones & Laughlin Co. police at Aliquippa and James S. Torbic, captain of police and industrial-relations man at Newton Steel Co. in Monroe, Mich., was a member, formerly, of the Jones & Laughlin Aliquippa force. A number of other Jones & Laughlin police accompanied their supervisors to Republic. Thus, at present, in the Republic Steel Corporation, the chairman, the president, the vice president in charge of operations, the superintendent of police, and some of his assistants, have had their schooling in labor relations at Jones & Laughlin, most of them at Aliquippa.

What does this pedigree of Republic's officialdom denote? The labor policies and the state of civil liberties at Aliquippa when Mr. Girdler was superintendent there have been revealed by Spencer R. McCulloch, a reporter for the St. Louis Post-Dispatch. Mr. McCulloch interviewed former employees, former business and personal associates of Mr. Girdler in both Pittsburgh and Aliquippa, and from these sources he drew a picture of conditions in the steel town of Ali-

Pt. 23, exhibit 4295. pp. 9821-9832.
 Testimony of T. M. Girdler on Aug. 11, 1938, appearing in pt. 34.

quippa during the period of Mr. Girdler's control. This was published in the St. Louis Post-Dispatch on June 29, 1937. Mr. McCulloch's article is quoted here because Mr. Girdler, after hearing it read to him, admitted in his testimony that it was essentially correct. Mr. McCulloch described Aliquippa, in part, as follows:

An elaborate system of espionage permeated not only the plants but extended into the schools, churches, lodges and even the homes. Nothing was too small The most innocuous remark was apt to be carried to the boss, to pass unnoticed. perhaps twisted in the telling.

A check was put against a man's name at the first offense but if too many checks accumulated he was likely to find himself out of a job, perhaps run out of town.

An efficient deterrent against undue activities was found through the development of a company police force. It was drilled to an efficiency unsurpassed by any units of the Coal and Iron Police now legislated out of existence. It enjoys hearty co-operation from the city police.

Incoming trains were met. Organizers, suspected organizers—in fact, anyone who didn't look right—were taken into custody, sometimes beaten, put on the

next train back to Pittsburgh.

If anyone in town talked too freely he was likely to find his home raided and to be given short shrift. Those deviating from the established order were branded troublemakers or agitators—the convenient term Communism hadn't come into use then. Numerous more indirect devices besides stool pigeons and police kept the employees in line. Most of the houses are owned by the company sold on long-term payments. A prospective home owner would think twice before risking his job and his investment. The company also owns the waterworks; it is furthermore the arbiter of credit at the company store, although other stores operate.1

Before Mr. McCulloch published his article describing conditions in Aliquippa, he discussed its contents with Mr. Girdler himself "for a couple of hours," 2 going over the main points with him. Mr. Girdler's reaction was described by Mr. McCulloch before this committee:

Senator LA FOLLETTE. What comment did he offer upon this material which you went over with him verbally, which was to be the contents of your article? Mr. McCulloch. As I recall he said substantially that it was a God-Damnednear perfect picture. (Laughter.) 3

Mr. Girdler confirmed Mr. McCulloch's testimony in substance:

Senator LA FOLLETTE. Did you or did you not indicate, as Mr. McCulloch testified, that it was nearly a perfect picture, or words to that general effect, with

a few additions? (Laughter.)
Mr. Girdler. I don't remember the additions, but I thought Mr. McCulloch's conversation with me indicated that he had a very fine grasp of the situation that

existed in Aliquippa during my time and since my time.

After the article appeared, Mr. Girdler saw it and issued no denials or statements concerning it. His reason for this he stated as follows:

No, I don't think I ever made any statement about it, I don't know, that there was any denial to issue because I don't know that in this article there is any statement that Mr. McCulloch made that I would take any exception to.2

It was in Aliquippa, company town, where company police met "organizers, suspected organizers—in fact, anyone who didn't look right" at the station, took them into custody, and put them on the next train back to Pittsburgh, that Mr. Girdler and his lieutenant, Mr. White exercised and sharpened their methods of dealing with

<sup>1</sup> Pt. 34, exhibit 5211. 2 Testimony of Tom M. Girdler on August 11, 1938, pt. 34. 3 Testimony of Spencer R. McCulloch on August 11, 1938, pt. 34.

labor. It was in Aliquippa where "an elaborate system of espionage permeated not only the plants but extended into the schools, churches. lodges, and even the homes" that James L. Williams and James S. Torbic obtained their training before becoming superintendent and captain in the Republic Steel Corporation police force. Mr. Williams, after testifying that he brought Mr. Torbic from Jones & Laughlin to "look after Canton and Massillon, that being one of our largest districts," acknowledged that his instructions to his force at Republic steel were not different from those at Aliquippa:

Senator LA FOLLETTE. Were the general instructions you gave to the police under you in Republic similar to or different than those which you had received as a member of the police force at Aliquippa?

Mr. WILLIAMS. They were similar, yes; in a great many ways.

Senator LA FOLLETTE. How were they different?

Mr. Williams. It is rather hard to explain how they were different. As a matter of fact—oh, all the plants that we took in during the merger, we never had a police set up, no set up at all, never inherited any, and it made it somewhat difficult starting from scratch. You did not have anything to work with or work on, or anything else. That was one differential.

Senator La Follette. That is not what I mean. I mean any difference in

general instructions given to those who were in the police department.

Mr. Williams. No, I would say not. They were somewhat alike.1

Mr. Girdler, too, admitted that his present labor policies are predicated upon his experience of 16 years with Jones & Laughlin Steel Corporation, most of which time he spent in Aliquippa:

Senator LA FOLLETTE. Mr. Girdler, would you say or would you not say that the labor-relations policies have been formulated to any extent in Republic upon the basis of your experience at the Aliquippa plant of Jones & Laughlin?
Mr. Girdler. Yes, indeed. I was 14 years with Jones & Laughlin and I learned

a great deal about labor policies and labor relations there—16 years, I guess.

Senator LA FOLLETTE. Are the labor policies and relations that are today the policies in Republic substantially the same as, or substantially different from, those that prevailed at Aliquippa when you were there?

Mr. GIRDLER. Why, they are substantially the same except the laws have changed and certain things that you were allowed to do in 1919 that you are not

.allowed to do now.2

#### SECTION 2. ORGANIZATION AND STRUCTURE OF THE REPUBLIC POLICE SYSTEM

At Aliquippa Mr. Girdler had placed the police force in uniforms and given them arms. When the new management was installed in the Republic Steel Corporation in 1930, Charles M. White, formerly general superintendent of the Aliquippa Works, was placed in charge of operations, and James L. Williams, formerly lieutenant of police at Aliquippa, was put in charge of the Republic Steel Corporation's police force in all its plants.

The first task undertaken by Mr. Williams was the reorganization of the police departments of the various properties over which the new

management obtained control.

Whereas formerly protection of plant in these small companies had been entrusted to guards and watchmen in civilian clothes, the force was now militarized and the men were put in uniforms and were given

<sup>&</sup>lt;sup>1</sup> Testimony of James L. Williams on August 11, 1938, appearing in pt. 34

<sup>2</sup> Testimony of Tom M. Girdler on August 11, 1938, appearing in pt. 34.

<sup>3</sup> Pt. 34, exhibit 5211.

arms. There was installed a centralized hierarchy of captains, sergeants, lieutenants, and patrolmen with final authority resting in Mr. Williams, the superintendent, at the main office, who, in turn, reported to Charles M. White, his former superior at Aliquippa. The process of organizing formal police departments continued in every instance where the Republic Steel Corporation acquired a new steel mill. How this change was effected when the Newton Steel Co. was acquired by Republic Steel Corporation in June 1935, was described by Robert L. Ritzie, superintendent of the Monroe plant of Newton Steel Co.

Senator LA FOLLETTE. Prior to the control being taken over by Republic of

Newton Steel, did you have an industrial police force?

Mr. RITZIE. Yes, sir.

Senator La Follette. How many men approximately did you have on the police force at that time?

Mr. Ritzie. I think about four; very small. We did not call them industrial blice. We called them watchmen. They were not in uniform. Senator LA FOLLETTE. Were they armed?

Mr. RITZIE. No, sir.

Senator LA FOLLETTE. When Republic took control of Newton, was there any

change in this police system?

Mr. RITZIE. Yes; there was a change. The force remained. I think there were to added to the force. They were uniformed then as they were at all Republic two added to the force.

Senator La Follette. Were they armed?

Mr. RITZIE. Yes, sir.1

Capt. James S. Torbic, of the Republic police force at Warren, Ohio, was transferred to Monroe in 1935. He corroborated Mr. Ritzie on the increase in the number of policemen and sergeants upon his accession at Monroe.

Senator LA FOLLETTE. How many new policemen did you install at Monroe after you got there?

Mr. Torbic. I did not install any for about a month and a half.

Senator La Follette. How many did you install when you installed them? Mr. Torbic. Four.

Senator LA FOLLETTE. Eight policemen were employed on the 1st of October

Mr. Torbic. I employed four new ones. I thought that was what you asked

Senator LA FOLLETTE. Where did the new ones come from?

Mr. Torbic. They-came from Youngstown, I believe.

Senator LA FOLLETTE. Had they previously had employment with Republic? Mr. TORBIC. Yes, sir. I might add to that, that I requested Mr. Williams that he send me three good men and perhaps an additional patrolman. I wanted to make sergeants out of these men, because as I explained earlier that I had other jobs that I had to get into.<sup>2</sup>

The effect of this new type of police system upon the attitude of employees long used to working with watchmen in ordinary street clothes could not, of course, be otherwise than to create a feeling of resentment. John Grajciar, steel worker employed in the Warren plant of Republic Steel Corporation, describes it in these words:

<sup>1</sup> Pt. 27, pp. 11323-11324.

1 Pt. 27, pp. 11325-11326. The Monroe plant is small, employing 1,500 workers in 1938 (Pt. 27, exhibit 4641, p. 11442). Hence the small police force required there in comparison with those at the Cleveland, Youngstown, and Canton plants of Republic Steel Corporation.

1 This plant belonged to the Trumbuli Steel Co., which was acquired by Republic Iron & Steel Co. in 1928. Republic Iron & Steel Co. in turn became Republic Steel Corporation in 1930 through mergers with several other steel companies. See exhibit 4295, pt. 23, pp. 9821-9854.

For instance, one of the things that particularly was pretty hard for the men to take was the fact that until—I can not remember the exact date, but I know it was around the latter part of 1929, when the Republic Iron & Steel had it, or just when the Republic Steel Corporation was formed—until that time, we had watchmen around the plants dressed up in ordinary clothes. They went around

and made a check-up on different places from time to time.

Just about 1930, if I am correct in this thing, a change took place. They took the old watchmen off the job and put men on with uniforms and guns on them, and that sort of friendly feeling began to die away between the employees and the company. A sort of a different idea took hold. It is pretty hard to explain those things, because they came along gradually. There was a little step here and a little step there, until toward the last there was a very definite feeling about that thing, especially in regard to the policemen around there.1

In the new set-up, the highest official in the police department is the superintendent, James L. Williams. He is in "complete charge of all phases of the work." He is "a coordinator of the department for the various districts and subsidiaries." Next in descending line of authority are the captains of police, who handle all department business connected with their districts and are directly responsible to the district manager and the superintendent of police. There is a captain in charge of the police in each district of the Republic Steel Corporation's far-flung structure. Under the captains are the lieutenants who are described as "equivalent to the turn foreman." 5 Then come the sergeants, who are described as "assistants to the lieutenants, and in sections where the number of men employed and the size of the plant did not warrant a lieutenant he is utilized in this capacity." Finally, at the bottom of the pyramid, are the patrolmen who, "in addition to their regular work of patrolling also do duty at the gates and other assignments such as watchmen at some particular point." 8

Superintendent Williams kept a close and careful check on the activities of his police captains who were responsible to him. He reserved to himself the final power to hire and fire the employees of the police department. He also had the responsibility of assigning the duties to the men in the police department. However, he permitted his captains to have some latitude in hiring men, according to W. Earl Butler, captain of the Youngstown district.

In the hiring of men to do labor espionage, however, Superintendent Williams made no exception in permitting any hiring of undercover men by any of his subordinates without his express preliminary approval.

Senator La Follette. Then do I understand you correctly that the situation is when undercover work is undertaken by outside men as distinguished from the regular police force of the plant the captain or lieutenant in charge has to get your authorization for it?

Mr. Williams. I would say so. We would talk it over, in all probability.

Superintendent Williams controlled also the extraordinary expenditures of the police captains for spies and many unexplained purposes.

<sup>1</sup> Pt. 23, pp. 9749-9750.

3 An undated memorandum obtained under subpena from the files of Republic Steel Corporation describing briefly the organization of the police department. Supplementary exhibits, hearings on Republic Steel Corporation, exhibit 7349.

3 Testimony of James L. Williams, pt. 25, p. 10435.

4 Supplementary exhibits, hearings on Republic Steel Corporation, exhibit 7349. See also testimony of James L. Williams, pt. 23, p. 9783.

5 Supplementary exhibits, hearings on Republic Steel Corporation, exhibit 7349.

6 Testimony of James L. Williams, pt. 23, p. 9783.

7 Pt. 29, p. 11829.

9 Pt. 25, p. 10438. For specific instances of the hiring of spies see testimony of Kenneth J. Sodders, pt. 24, pp. 10087-10088.

Vouchers or cash withdrawals by the captains had to be approved by him. Williams also retained the authority to purchase munitions for

the police department.<sup>2</sup>

Coordination of policy in the police department was achieved by occasional conferences of all police captains and other leading members of the police department. Such consultations took place particularly at times of emergency, such as an impending organizational drive by a union or a threatened strike.<sup>3</sup> At critical times Superintendent Williams would take actual charge of a situation and lead his men, even on expeditions outside the plants.4

In addition to the lines of responsibility running up through the police department, there are lines of responsibility running to and from the various officers of the police department to other depart-

ments of the corporation:

Senator LA FOLLETTE. Who is in charge of the police department in the various districts, captains?

Mr. WILLIAMS. Yes, sir.

Senator La Follette. And they are responsible to you?

Mr. WILLIAMS. And also to the district manager.

Mr. Charles M. White, vice president in charge of operations of the Republic Steel Corporation, confirmed Mr. Williams on this point:

And in turn, if I understand the testimony correctly, the Senator La Follette. police captains in each district are responsible to Mr. Williams and to the district manager?

Mr. White. That is correct, Senator.

This would appear to give rise to a dual responsibility on the part of the local police captains. This dualism, with its possibility of conflicting orders, was resolved, however, by the unification of the line of authority in the person of Charles M. White, to whom both Superintendent Williams and the various district managers were directly responsible.

#### SECTION 8. PERSONNEL OF THE REPUBLIC STEEL CORPORATION POLICE DEPARTMENT

The function of any police force, to a large extent, is to act as guardian of other men and property; its character should be a matter of special care. The character of a police force depends largely upon the characters of its individual members. Charles M. White, answering charges of the union men and others that during the 1935 strike at the Berger Manufacturing Co. his men had behaved like thugs, 10 described the Republic police force in these words:

<sup>&</sup>lt;sup>1</sup>Testimony of Kenneth J. Sodders, pt. 24, p. 10107. See also testimony of James S. Torbic, pt. 28, p.

<sup>1</sup> Testimony of Kenneth J. Sodders, pt. 24, p. 10107. See also testimony of James G. Action, pr. 26, p. 11570.

Pt. 24, p. 9788. See also pt. 23, exhibits 4319 and 4320, p. 9968. See also testimony of James L. Williams, pt. 27, p. 11287. See also testimony of W. Earl Butler, pt. 29, pp. 11817-11818. See also testimony of Joseph F. Gilroy, captain, Republic Steel Corporation police, Canton, Ohio, on Aug. 9, 1938, in pt. 32.

Testimony of James L. Williams, pt. 23, pp. 9784-9785. See also testimony of James L. Williams, pt. 27, pp. 11290-13000. See also testimony of James S. Torbic, pt. 27, p. 11301. See also testimony of W. Earl Butler, pt. 29, pp. 11813-11814. See also testimony of Millard J. Hannan on Aug. 6, 1938, pt. 31.

Testimony of James L. Williams, pt. 23, p. 9795, and pt. 24, pp. 10046-10047, and p. 10153.

Pt. 23, p. 9783.

Pt. 23, p. 9784.

Testimony of Charles M. White, pt. 26, p. 10901.

Testimony of Charles M. White, pt. 26, p. 10902.

The Berger Manufacturing Co. is a division of Republic Steel Corporation located in Canton, Ohio.

For particulars see pt. 23, exhibit 4295, pp. 9821 ff.

M The story of violence during the Berger strike is told in chapter VII, sec. 2, on pp. 129-144.

These men have been on our pay roll, most of them, for quite a We have been trying to get a character of men who would do the period of time. job in the best way that it could be done. And I think in most cases they have turned out to be a very high type of gentleman. You can get a bad egg in any lot. It is no different in ministers or policemen or detectives or any other branch But we are making a tremendous effort to have high type police officers, and I resent bitterly anyone calling them thugs.

Most of them are married men with families. They are respectable citizens in

the community and a damn sight more so than a lot of other people I think I could

reach (indicating other witnesses).1

On the other hand, Superintendent Williams, who had the final word on the hiring and firing of the members of the police force, admitted that no particular investigation is made of the qualifications of applicants in the police department:

Senator La Follette. Mr. Williams, how thorough an investigation, if any, do you make of the character of men employed in your police department?

Mr. WILLIAMS. We have never been very strict on that, Senator. In most cases local people from Cleveland, like Juergens, for instance—we have an application blank to fill out. They use three references to some local people.

Senator LA FOLLETTE. It was testified yesterday by Vargo that he picked up

the information on the grapevine that you wanted men. Do you get men often that way?

Mr. WILLIAMS. There are applicants that apply; yes. We have taken on men that way.

Senator LA FOLLETTE. And when they do, do you make any investigation of them?

Mr. WILLIAMS. Not to any extent.

On another occasion, when Mr. Williams was asked what qualifications he required of persons he hired as members of his police department, he replied, "There really is not any special qualification, Senator."

There really is not any." 3

In the light of this testimony if the character and standards of the Republic police department are as high as stated by Mr. White, it is due to pure accident, and not to any "tremendous effort to have high-type police officers." It is most unlikely that the type of footloose applicants who hear Republic's call on the "grapevine" should measure up to the high standards which exist in Mr. White's imagination rather than in Mr. William's methods of selection. Any other impression conveyed by Mr. White can be no more than a deliberate attempt to mislead the committee.

A few of the supervisory officers, however, had experience and training, at least in the customary practices of industrial police forces. As mentioned above, Superintendent Williams had previously been a lieutenant of police at the Jones & Laughlin steel plant at Aliquippa, and Capt. James S. Torbic, who is in charge of police in the Monroe district, had also done police work at Aliquippa before coming to the Republic Steel Corporation. In addition, Capt. W. Earl Butler, of the Youngstown district, had been a supervisory police officer in the Old Republic Iron & Steel Co. In another case, Capt. George E. Todd of the Buffalo district had had previous police training, though not of an industrial nature. Back in 1925 he had been a police officer

<sup>1</sup> Pt. 23, p. 9818. 2 Pt. 26, p. 11002. 3 Pt. 25, p. 10451. 4 Pt. 25, p. 10434. 5 Testimony of W. Earl Butler, pt. 26, p. 10949.

in Woodlawn, in Beaver County, Pa., where Aliquippa is also located.¹ On the other hand Capt. Millard E. Hannan, of the Warren district, had had no previous industrial police experience prior to coming to work as a policeman for the Republic Steel Corporation, and Sergeant Kenneth J. Sodders had no previous industrial police experience prior to his becoming a spy and a policeman for Republic Steel Corporation in 1935.

Other than the experience of the few supervisory officers described above, the rest of the force had apparently no training for their jobs. Mr. Williams testified that back in 1930 and 1931, when he was building up the police department, he had in-service training, but that there is no such instruction now:

Senator LA FOLLETTE. Do you try to get men who have had previous industrial police service?

Mr. WILLIAMS. Preferably; yes. Senator La Follette. For those who have not had any, do you have any course of training or instructions for them?

We did have.

Mr. WILLIAMS. Not today, we do not. Senator LA FOLLETTE. When was that?

Mr. WILLIAMS. Back in 1930 and 1931. Senator LA FOLLETTE. Why did you discontinue it? Mr. WILLIAMS. Why, at the time we had a skeleton organization, and those fellows really acted as instructors in a sense while on duty.

Senator La Follette. Where did you have your training school?

Mr. WILLIAMS. It was not a training school. We had it within the different plants. After we surrounded ourselves with a skeleton organization.

Senator LA FOLLETTE. That was largely designed, then, if I understand you, to build up a force more rapidly for the company, which was rather young?

Mr. WILLIAMS. Yes, sir.<sup>3</sup>

While the Republic police force was given no regular training, at least since 1931, in the ordinary technique of policing, so far as the committee could learn, some members of the force were given instruction on the methods of handling tear gas by a salesman for Federal Laboratories, Inc., of Pittsburgh, Pa. This was described by the salesman, Jack J. Baxter, in his testimony before the committee:

Senator LA FOLLETTE. Aside from the demonstrations, do you give any detailed instructions to people?

Mr. BAXTER. Yes, sir; I do. Senator La Follette. Have you done that with any of the Republic force?

Mr. Baxter. Yes, sir; I have. Senator La Follette. How many in all?

Mr. BAXTER. I could not say just how many. Senator La Follette. Can you tell me, Mr. Baxter, whether or not you have given detailed instructions and training to a large number of the Republic policemen or to a small number?

Mr. BAXTER. A small number.

Senator LA FOLLETTE. Did you give any demonstrations in 1937 to Republic men?

Mr. BAXTER. No, sir. I gave some instructions to them in 1937.4

#### SECTION 4. THE FUNCTIONS OF THE REPUBLIC STEEL CORPORATION POLICE DEPARTMENT

The function of Republic Steel Corporation's police department was described by Superintendent Williams in his testimony before this committee. First, he prefaced his testimony by a denial that all industrial policemen were spies:

Testimony of George E. Todd, pt. 26, p. 11067.
 Testimony of Millard E. Hannan on August 6, 1938, pt. 31.
 Pt. 25, p. 10451.
 Pt. 27, p. 11290.

Current investigations by Government bodies have tended to place all industrial The inference drawn, and quite naturally, conpolice systems into disrepute. sidering the careful wording of the accounts of these investigations, has been that all industrial policemen are spies. Nothing could be farther from the truth. Industrial police are as essential to a large industry as are city police to a city.

Then, after describing the hierarchy of Republic police, he asked a question—what does a city policeman do?

We all know the answer of what he should do; That is, protect life and property. That is what we do and in addition, a thousand and one little routine duties that enable us to do it properly.

Mr. Williams described the thousand and one little things, as the protection of property against stealing and trespassing, looking after the safety of workmen, economizing by eliminating waste, directing commercial traffic, escorting visitors in the plants, and such other details as parking of cars, checking of employees entering and leaving the plants, etc. Facing the issue of espionage as one of the functions of the police department, Mr. Williams gave the following homely explanation:

It is true that Union officials have charged time and time again that union men have been spied on and discriminated against by the industrial police. A denial would be out of place. It is sufficient to say that organization work is not tolerated in the mills any more than you would tolerate a salesman setting down in your house and occupying two-thirds of the maid's time. You, like most industrial concerns, wouldn't care how long she talked, or what she bought from the salesman after working hours, but you most certainly would not approve of his using your home for a salesroom, and your money as a premium for the maid devoting her time to him.2

Mr. Williams, despite his uneasy equivocation on the issue of industrial espionage, sought to create the impression that the exclusive function of his police system was to protect plant and property and safeguard the life and limb of employees. Yet it would be surprising if such men as he and his superiors, schooled in the methods of Aliquippa, did not utilize their police force at Republic to carry out an antiunion labor policy. By his testimony, quoted above, he admitted that the instructions he gave his men in the Republic corporation differed little, if at all, from the pattern of behavior that was expected of the police in the plants of Jones & Laughlin. The inference was clearly borne out in the committee's hearings, which established in detail that the Republic police were the chief instruments of the corporations' labor policy.

It is true that the Republic Steel Corporation has a department of industrial relations, headed by Joseph A. Voss, but the functions of this department are confined to the welfare activities of the corporation, such as accident compensation, sickness, vacation policy; and to the relations of the corporation with the company union, which was established in June 1933. Aside from the formal conferences held occasionally with representatives of the unions, the principal contact between union leaders and the corporation were through the members of the police department. The character and purpose of Republic police department's activities in labor relations will become clear in the succeeding four chapters.

<sup>&</sup>lt;sup>1</sup> Testimony of James L. Williams, pt. 25, p. 10435. <sup>2</sup> Pt. 25, p. 10436.

CHAPTER VII. THE ACTIVITIES OF REPUBLIC POLICE IN THE 1935 STRIKE AT THE BERGER MANUFACTURING Co.

As instrumentalities of labor policy, the police department of Republic Steel Corporation reached the height of its activity during periods of union organization and in times of strike. As the first line of defense against labor organization, it mobilized all the paraphernalia of military warfare. Manpower, munitions, and spies were all concentrated, deployed, and maneuvered with the objectives of defeating organizing efforts, and of crushing the union when it undertook the desperate step of calling a strike. Like astute tacticians, the Republic police force adopted the principle of war that the best defense is an aggressive offense. These methods of the Republic police department in dealing with unions are exemplified in the history of the strike at the Berger Manufacturing Co. in Canton, Ohio, from May 27 to June 2, 1935.

Republic Steel Corporation owns the Berger Manufacturing Co., which produces steel office equipment. In addition to this plant, Republic Steel Corporation owns several other plants in Canton, comprising blast furnaces, blooming mills, billet mills, bar mills, sheet mills, and tin-plate mills. For operating purposes these mills are grouped as Stark Rolling Mills, Alloy Plants A and B, Culvert Division, Canton Tin Plate,<sup>2</sup> and, of course, the Berger Manufacturing Co. Republic Steel Corporation employed between 7 and 8 thousand employees at Canton, only about 450 of them being employed in the Berger plant. The population of Canton was nearly 105,000 according to the 1930

census.

The Republic Steel Corporation, parent of the Berger Manufacturing Co., was a signatory of the code of fair competition for the iron and steel industry as approved on August 19, 1933, by the President, and as such had agreed to abide by section 7 (a) of N. I. R. A., which guaranteed "that employees have the right to organize and bargain collectively through representatives of their own choosing." The Berger Manufacturing Co. itself was a signatory of the code of fair competition for the business furniture, storage equipment, and file-supply industry, effective November 14, 1933, which also included among its provisions, section 7 (a) of N. I. R. A. Nevertheless, the Republic management refused to recognize and bargain with the representatives of its employees at the Berger plant.

The Berger plant had about 450 employees. A Federal local of the American Federation of Labor, known as the Loyalty Lodge, claimed 300 members in the plant, and the company, in proceedings before the National Labor Relations Board, which was appointed by the President under Public Resolution No. 44, to effectuate section 7 (a) of the National Industrial Recovery Act, did not dispute this The company, as the board later found, refused to bargain with the Loyalty local or to recognize it as the bargaining agency of the employees. Having presented 220 certified signatures to the National Labor Relations Board, the Loyalty Lodge was certified as the

¹ Pt. 23, exhibit 4295. A map of Canton showing these properties faces p. 234.

² Canton Tin Plate was not acquired by Republic until the summer of 1936. Pt. 23, p. 9799, statement of T. F. Patton, counsel for Republic.

³ Certified pay-roll records (pt. 24, p. 10015) show 467 employees as of May 1, 1935, contrary to Vice President White's testimony that there were from 800 to 1,100 employees at that time (pt. 23, p. 9795).

exclusive bargaining agency for the Berger employees. This certification was given on May 2, 1935. The Berger Manufacturing Co. obtained an order restraining the enforcement of this decision, on May 8, 1935.

#### SECTION 1. REPUBLIC POLICE DEPARTMENT PREPARATIONS FOR THE STRIKE

Instead of negotiating with the union, the Berger Manufacturing Co. under the leadership of Charles M. White and James L. Williams, decided to fight its own workers. Preparations to do this were made before the strike was called. Mr. Williams mobilized many of his men from other plants of Republic Steel Corporation as early as May 9, 1935, the day after the company obtained its restraining order against the National Labor Relations Board.

As a result of its refusal to recognize the Loyalty lodge, the company anticipated a strike around the middle of May. Between May 9 and 15 a group of Republic police officers from other localities converged upon Canton and registered at the Hotel Onesto. The anticipated strike did not materialize and the men were sent back to their respective cities to return again later in May, when the strike was imminent. The testimony of Superintendent Williams and Captain Gilroy describes this mobilization as follows:

Senator LA FOLLETTE. You had such a conference?

Mr. Gilroy. Those men came in, in anticipation of trouble.

Senator LA FOLLETTE. Did you confer with them about the trouble at any time? Mr. Gilroy. When they came in I told them to go downtown and go to the hotels which were the Onesto, the Northern, and the Courtland, and stay at those

Senator LA FOLLETTE. Did you meet at any time and discuss the situation with these gentlemen?

Mr. Gilroy. None other than tell them that in the event of a strike they were to come into the plant.2

The men who were put up at those hotels were mostly members of the Republic police departments from different districts, 10 of them having come to Canton from Buffalo, N. Y. Superintendent Williams verified Captain Gilroy's admission that they were transported to Canton in anticipation of the strike.

Senator La Follette. You say you instructed these men to come to Canton, Mr. Williams?

Mr. WILLIAMS. Yes, sir. Senator La Follette. Who instructed you to send them to Canton?

Mr. Williams. No one; I took it upon myself to have them come down there. It was my job to see that the plant was properly protected.

Senator LA FOLLETTE. Did you know that a strike had been voted at that

Mr. WILLIAMS. Yes, sir.3

This first mobilization of May 9 was disbanded on May 14 when the threatened strike was not called. Mobilization was repeated on May 26, on a greater scale, as a result of a strike vote taken by the union on May 24, after repeated attempts to negotiate with the company had failed; 4 14 men arrived from Buffalo; 19 men came from

Decision of the National Labor Relations Board in the matter of Berger Manufacturing Co. and Loyalty Lodge No. 18903, case No. 349. See exhibit 4315, pt. 23, pp. 9926-9927.

Pt. 23, p. 9785.

Pt. 23, p. 9785.

On May 24, the company posted the following notice on its bulletin board: "The walkout which is urged and agitated by certain radical people in the plant is entirely unfair and unjustified. We consider that any persons participating in this walkout are voluntarily and wilfully surrendering their jobs and we shall consider that they are no longer employed by this company." (pt. 23, p. 9779).

Youngstown; 1 man came from Chicago; 25 came from Massillon and 21 from Warren. All of these men belonged to the police force of the Republic Steel Corporation. In addition, there were 15 men who were unidentified in the records of the corporation. Some of these 15, later identified by Captain Gilroy as coming from Youngstown, Warren, and Buffalo, were hired especially for the occasion. One was a former deputy sheriff of Mahoning County; another was a welder in the Youngstown plant; still others were regular policemen, according to Captain Gilroy. But they did not appear on the records.2

Before going into action these men were apparently summoned to a meeting in Youngstown, then Republic's headquarters, where they "discussed the contemplated strike." 3 The arsenal of the Berger plant was increased. On or about May 25, or 26, Mr. Williams bought tear and sickening gas and gas equipment, in the amount of \$8.804.30. The reason for ordering the gas munitions was described by Mr. Williams:

Senator LA FOLLETTE. And what was the reason for ordering that gas?

Mr. WILLIAMS. Well, we have an investment over there, Senator, as you probably know, of so many million dollars, so much acreage, power plants, substations, and all that sort of thing; and in the event that some of the things that these outside organizations had been resorting to all over the country material-

ized, the most humane way of handling it to resort to gas.

Senator LA FOLLETTE. I perhaps didn't phrase my question properly. it in anticipation or after the strike had begun, that you ordered this gas?

Mr. WILLIAMS. I would say before the strike.4

The way in which this gas was put to "humane" use will be discussed below. It should be noted that there was already in Republic's arsenal in Canton \$1,434.92 worth of gas left over from purchases in As a further increase of the Republic arsenal, men in June 1934. the other Republic plants in Canton were put to work making an armored truck by covering an ordinary truck body with iron plates.6 The same men were put to work to cut pipes into club lengths, for use in the strike.7 This mobilization of the police department had its intelligence section too, for spies were planted by the police in the ranks of the union.8 Mobilization, armament, espionage, all were complete before the strike occurred.

Thus prepared, the Republic police department conducted a campaign of extreme provocation and brutality against both union members and innocent bystanders, with ruthless and callous disregard for public peace and safety. The first 3 days of the strike, May 27, 28, and 29, saw repeated sallies and raids by squads of Republic police out of the Berger plant onto public highways, harassing and attacking pickets and bystanders of all ages, with shotguns, small arms, tear gas, and truncheons. As a result of these forays, 28 people were hospitalized with serious injuries, including fractured skulls, a fractured jaw bone, a broken arm, contusions of the face, gunshot and buckshot wounds, and lacerations. A pregnant woman, a quarter of a mile

<sup>1</sup> Pt. 23, exhibit 4323, p. 9971.

Pt. 23, pp. 9793, 9794.

Testimony of James L. Williams, pt. 23, p. 9785.

Pt. 23, p. 9787.

Pt. 23, p. 9788, testimony of Joseph F. Gilroy.

Testimony of Joseph F. Gilroy, pt. 23, p. 9789; and testimony of Guy L. Sweany, organizer for Steel Workers Organizing Committee, former employee of Republic Steel Corporation, Alloy Plant, Canton, Ohio, pt. 24, p. 10078.

Pt. 24, p. 10078.

See sec. 3 of this chapter, pp. 144 ft.

from the nearest Republic property and 2 miles from the nearest entrance to the Berger plant, was felled by buckshot. In addition, pickets, innocent bystanders, and groups of school children were indiscriminately gassed with tear and sickening gas. After these affrays, Republic Steel Corporation and its subsidiary, Berger Manufacturing Co., settled damage claims with 110 people in the total amount of over \$46,000.<sup>2</sup>

#### SECTION 2. VIOLENCE BY REPUBLIC POLICE DURING THE STRIKE

With the beginning of the strike the company police swung into ac-Picketing began at 9 o'clock in the evening of May 26 and continued peacefully until Monday morning, May 27, at about 6 o'clock, when a crowd of company police appeared just inside the property line of the Berger Manufacturing Co. at Eleventh Street and Belden Some of these guards were in uniform; others were not; all were very thoroughly armed. The uniformed police carried short arms and billies; all of the men carried either wooden billy clubs or iron clubs which had handles covered with tape. These truncheons were the ones made in the Republic plant and were about 12 to 14 inches long and about three-quarters of an inch in diameter. Mr. White, vice president in charge of operations, appeared in front of these company police at the gate and urged the men on the picket line to come According to several witnesses he also indulged in provocative remarks to the union leaders,3 although Mr. White explained his presence among the pickets as an attempt to persuade the workers to go back to work.4

An altercation ensued in which Mr. White was struck by a member of the union, and the company police attacked some of the union men. One person, William Demos, a union man, was severely injured by being struck twice over the head with one of the iron clubs, by a company policeman named Kiefer, and suffered lacerations of the scalp.6 Up until this incident, and even thereafter, men continued to enter the plant through the picket line without molestation. fact is confirmed also by affidavits made subsequent to the hearings by company employees who were suggested by counsel for Republic

as important witnesses.7

Soon thereafter armored trucks began to make repeated trips in and out of the plant, going through the picket line on each trip. These trucks rushed through the picket line without slowing up, sometimes narrowly missing the pickets. Several armed guards were in the cabs. When strikers followed one of these trucks to see what was the purpose of their trips to and from the plant, they discovered that it stopped at a deserted spot about 2 miles outside the town, whereupon the strikers ceased following the truck.8 Witnesses felt that the purpose of these trips was to provoke the strikers by conveying the impression that strikebreakers were being transported into the plant.

<sup>1</sup> Pt. 24, exhibits 4332-4353, pp. 10174-10197.

2 See pt. 23, exhibit 4329, pp. 9975, 9977. For pictures of victims and examples of violence see pt. 24, exhibit 4334, p. 10174, and exhibits 4341-4346, pp. 10814-10816.

3 Testimony of Oliver Wynkoop, Henry F. Kauffman, Paul L. Hamilton, and Darrell C. Smith, pt. 23, pp. 9804ff and pp. 9811ff.

4 Pt. 23, pp. 9816-9817.

5 Pt. 23, p. 9810.

6 Testimony of Henry F. Kauffman, pt. 23, p. 9810; and pt. 23, exhibit 4328, p. 9973.

7 For a discussion of these affidavits see appendix A, pp. 219-231.

8 Testimony of Darrell C. Smith pt. 23, p. 9812.

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This first altercation, and the activity of the trucks changed the attitude of the picket line. At 3:30 p. m. trucks and cars, occupied by workers and armed guards, leaving the plant, met with stones thrown by some of those in the crowd of pickets and bystanders. There were no city police in the area at that time. Apprehensive of what might happen, the president of the union and the union attorney went to the mayor's office and asked for police protection for the pickets. The mayor took the matter under consideration.

About 4:50 p. m. an armored truck emerged from the company gate and proceeded down Eleventh Street, which extended westward opposite the Berger plant gate. Company guards, some in uniform and some without uniform, were standing on the running board, armed with tear-gas guns and clubs. The truck was preceded by a passenger car, a sedan, which also had guards in it. In this sortie, people on both sides of the street flung stones at the truck as it went

up the street.

One of these apparently smashed the glass in either the sedan or the truck.2 The truck stopped about 200 yards from the gate of the Berger Manufacturing plant, on Eleventh Street. The back of the truck was let down and a group of guards emerged, armed with revolvers, sawed-off shotguns, tear-gas guns and lengths of pipe, and began shooting into the crowd while advancing eastward toward the company gate. At the same moment a number of guards, similarly armed, emerged from the company gate and advanced down Eleventh Street, westward to meet the other contingent coming toward them. The crowd was hemmed in between the two groups of guards. At the same moment this attack on the pickets and bystanders was initiated, guards on the roof of the Berger Manufacturing Co. began to shoot tear gas into the crowd. The Republic guards were wearing white canvas gloves, apparently to identify their own men. guards advanced through the crowd clubbing everyone in their way. A group of school children who were on their way home from school were caught in the melee. The owner of a restaurant in the block took these children into his restaurant in an attempt to protect them from the tear-gas barrage of the attacking guards. This protection was of no avail, for the guards shot a number of tear-gas bombs into the restaurant.8

In all, 14 people were hospitalized as a result of injuries sustained from the attack by the guards on this day. On this afternoon, one of the injured, a worker in another plant on his way home from work, received innumerable birdshot wounds; another received a gunshot wound in his hand; a third received a gunshot wound in his left leg which fractured a bone; still another received a gunshot wound in his left arm. Other injuries were a fractured skull, scalp lacerations, a fractured jawbone, lacerations of the leg and back, contusions of the face, and a broken arm. In addition, dozens of people were gassed.4

Darrell C. Smith, business agent of the Milk Drivers Union, which was not involved in the strike, gave an eye-witness account of this

10005.

4 Testimony of Herbert F. Blazer, pt. 24; p. 10000; testimony of Darrell C. Smith, pt. 24, p. 9995; and exhibits 4332, 4333, 4334, 4335, pt. 24, pp. 10173–10180.

<sup>&</sup>lt;sup>1</sup> Testimony of Lester P. Rice, president of the union, pt. 24, p. 9987.

<sup>2</sup> Although there is no evidence that striking Berger employees were responsible for this, it may safely be assumed that pickets as well as others indulged in throwing stones at the armored truck.

<sup>3</sup> Testimony of Darrell C. Smith, Herbert F. Blazer, Charles Minor, and George Pelay, pt. 24, pp. 9993-

first riot. He was in his car at a filling station across the street from the entrance to the Berger plant when the affray started. first became aware of the trouble when he observed company police shooting tear gas from the roof of the Berger plant. He testified:

This tear gas kept on shooting. I heard the explosions all around me. I saw at least two or three shells fall out into the parking lot which was adjacent to the filling station and saw some fall out on Eleventh Street among the crowd. At that time a truck had just come out of the plant gate. I did not see it come out of the gate because of my concern with these other things. It was proceeding down Eleventh Street, and it got to a point about 200 yards down Eleventh Street. There were guards standing on the running board and in the cab. When it got to that point down there I saw it stop, and the guards on the runningboard got out and opened the rear gate, and out of the back of the truck about 15—in my judgment, about 15 or 20 guards came out of the rear of the truck. They all had clubs and they began to wield these clubs, attacking the people around them.

And then I saw at the plant gate another group of 15 or 20 guards come out

of there, and they, too, began to attack the people around them.

I saw a fellow I knew, diagonally opposite me, who was out on the sidewalk, a fellow named Stanley Pritchard; I knew him because of his association with the union there. I saw him struck over the head about five or six times by this one cop, or plant cop, or whatever name you choose to call him, until they knocked him to the ground. And then I saw him beaten after he was down on the ground.1

According to Mr. Smith's account, there were about 200 people trapped between 2 advancing contingents of Republic police, "who were just mowing them down."

Senator LA FOLLETTE. Describe what happened next.

Mr. Smith. It is almost beyond description, Senator. It was just about the bloodiest scene possible of enactment in America, I believe; at least in peace times. It would be hard, I believe, for anyone who witnessed that scene to describe

it with any degree of justice at all.

I saw women struck with those iron bars just as mercilessly as though they were men. I saw a group of school children across the street running around in a panic, scared, crying at the top of their lungs because they were frightened out of their wits by this tear-gas shooting that was going on all around them. These guards were rushing around the people, and beating the people to the brick pavement, and then beating them after they were down.

Mr. Smith himself was caught in this attack. While attempting to get away, he was mauled by a Republic guard, John Kiefer, who pulled him out of his car on Belden Avenue, and started wielding an iron club, "the kind that has a spiral ridge running the entire length of it, with tape around one end of it for a handle." 2

One of the victims of this attack, Herbert F. Blazer, who received innumerable bird-shot wounds while on his way home from work from the Canton Tin Plate Corporation past the Berger plant, described

the affair as follows:

- \* \* \* I was walking down Eleventh Street, and got down to about 200 yards, I would say, and this armored truck pulled out of the gate and proceeded on past me a few yards. It stopped. The reason I think why it was stopped was because there was a bunch of kids, I would say between 16 and 18 years of age, throwing stones at them, and I think one of them hit the driver. Anyway, the driver stopped and the guards got off of the truck and got out of the back of the truck and started shooting.8
- Mr. Blazer stated he saw the guards shooting with revolvers, shotguns, and gas guns directly into the crowd, which he estimated as comprising two or three hundred people. He then testified:

<sup>&</sup>lt;sup>1</sup> Pt. 24, pp. 9991-9992, <sup>2</sup> Pt. 24, pp. 9992-9993, <sup>3</sup> Pt. 24, p. 9998.

For a while, as soon as the shooting started, the people seemed They did not know what to do, they were so frightened. at the factory entrance, they were shooting out into the crowd and the guards that got out of the truck, they were shooting. The guards in the truck were making their way back to the plant. I also noticed at the same time that there were guards on top of the Berger Manufacturing Company plant, and they had the tear-gas guns and were shooting into the crowd. They had a good view and a

good range of the crowd from that position.

When they started shooting, I did not know what to do, for a moment. So I turned around to go to the back, toward the plant. There was no way to escape.

In the face of the attack, Mr. Blazer retreated down a driveway off Eleventh Street. He testified concerning the guards:

\* \* They worked down toward us and at the end of the driveway there happened to be a high fence. There were other people in this driveway. But I, being so short, I could not get over this fence. Some of them did. do was to lie down flat on my stomach behind the wall. Bullets and tear gas and everything else was just flying over my head. The guards that worked down toward me, they found me in there and they said, "Come on, get the hell out of So I got up and I tried to explain to them that I had no connection at all with this strike, did not even work there. There happened to be several fellows that worked at the Canton Tin Plate Corporation, standing there on the corner, and they also tried to explain to the guard that I had no connection at all with this But as soon as you opened your mouth to one of these thugs—and they were thugs—they would go up and hit you over the head. I tried to explain, but they would not listen to me.

Senator LA FOLLETTE. \* \* Now, what else happened?

Mr. Blazer. I got up. They hit me over the back with this gas pipe. I rned to run. I believe I took—oh, three or four steps, and they shot me with a sawed-off shotgun. I worked my way across the street. That was as far as I could go. I fell down in a pile of cinders.

Senator LA FOLLETTE. Where were you shot?

Mr. Blazer. I was shot in the back. It got in my left arm, and one lung was collapsed. The whole left side of my body was hurt.2

Frank L. Moore, one of the company policemen from the Buffalo district who were sent to Canton, testified concerning his activity there in connection with the above events in a matter-of-fact manner.

Senator La Follette. What did you do in the Berger strike, if anything? What were your duties?

Mr. Moore. Our bunch broke the picket line.

Senator La Follette. How did they break the picket line? Mr. Moore. With gas bombs and gas guns and clubs.

Senator LA FOLLETTE. How did they go about doing that?

Mr. Moore. They rode us up in an armored truck and drove us out in the street about two blocks, and we unloaded and come back after them.

Senator La Follette. At whose instructions did you do this? Mr. Moore. Captain Todd.

Senator LA FOLLETTE. You say you came back after them. Who do you mean?

Mr. Moore. After the pickets.

Senator La Follette. In what way did you go after them?

Mr. Moore. Did you mean run or walk?

Senator LA FOLLETTE. I mean what did you do, if anything, so far as the

pickets were concerned?

Mr. Moore. Well, as soon as we got out of the automobile we started to open up with these guns, gas guns, long-range guns, and threw gas bombs and used revolvers, gas guns, short revolver gas guns, and steel pipe.

Senator LA FOLLETTE. How were you armed?

Mr. Moore. How was I armed?

<sup>1</sup> Pt. 24, p. 9998. —

2 Pt. 24, pp. 9999-10000. Mr. Blazer received a settlement of \$2,300, from Republic Steel Corporation for his injuries (pt. 23, exhibit 4329, p. 9976).

Senator LA FOLLETTE. Yes.

Mr. Moore. I had a steel pipe, gas gun, revolver, and some gas bombs [Laughter]. Senator LA FOLLETTE. How were the others—the other police—armed?

Mr. Moore. About the same; some of them had their service revolvers with

Captain Todd did not deny any of Mr. Moore's testimony on this point when given an opportunity to comment on it.2

Mr. Moore also described the reaction of Superintendent Williams to these activities on the part of his police:

Senator LA FOLLETTE. Was there any comment made by anybody connected with the officials on the activity of these 40 guards who went out with you in this armored truck?

Mr. Moore. Chief Williams. Senator La Follette. What did he say?

Mr. Moore. Good job.1

This was not denied by Mr. Williams when he was given an oppor-

tunity to comment on Mr. Moore's testimony.3

This planned attack upon the people assembled at Eleventh Street was reported by an eye witness in a special edition of the Canton Repository, issued on the evening of May 27, 1935. The star reporter of the Repository, Dwight L. Buchanan, corroborated every witness cited above, including Darrell C. Smith's statement that the Republic guards started hurling tear gas bombs into the crowd from the top of the Berger plant:

The actual trouble began shortly after 4 p. m. as the first shift was leaving the Two large steel-topped trucks, including the one which later was burned, were filled with workers in the yards behind the main gate.

At a given signal, guards swung the gate open and the truck backed out, backed north on Belden ave and then swung west into 11th st. Strikers, gathered on

both sides of the street, pelting the truck with bricks as it roared down the street. On the first two trips out of the yards, guards who rode the running boards and hung from the sides of the cabs were stoned and clubbed. Apparently none

was injured seriously.

Later private cars were pressed into service to get the beleaguered workers through the crowds of angry strikers clotted about the main entrance. cars shot across Belden are into 11th st., the crowd bombarded them with rocks, sticks and stones. Many windows were broken and several of the passengers sustained cuts.

The excitement had died down and many of the onlookers who had watched the stoning nearer the plant had started to walk back to their automobiles parked near Mahoning rd when the last truck pulled out of the plant. Few of those who watched the truck roll along 11th st had any idea it contained the armed guards.

Many of the persons lining the sidewalks were so taken by surprise when the firing started that they stood staring as the guards tumbled out of the truck. Several of those who failed to flee at once were struck down as the guards surged

across the field in pursuit of strikers.

The trouble was precipitated when company police, heavily armed leaped from an armored truck on 11th st NE and opened fire upon a crowd of persons lining the sidewalk on the south side of the street. Among the crowd were women and children who had gathered to watch strikers stone autos emerging from the plant

at the close of the first shift.

As the plant patrolmen opened fire the crowd scattered, running across vacant lots and between houses on the south side of 11th st. The plant police started after them, firing as they ran. Those too slow afoot were clubbed down and left

<sup>&</sup>lt;sup>1</sup> Testimony of Frank L. Moore on August 11, 1938, pt. 34.

<sup>2</sup> Testimony of George E. Todd on August 11, 1938, pt. 34. Captain Todd attempted to impugn Mr. Moore's testimony on the score that he was a disgruntled employee who was discharged because of marital troubles.

Testimony of James L. Williams on August 11, 1938, pt. 34.

lying where they fell. After the guards had passed on, neighbors carried the injured to private automobiles and removed them to the hospital.

One front porch was converted into an emergency dressing station. seriously injured were brought there and their wounds bound up. Some later were taken to hospitals.

After chasing the crowd the guards reassembled on 11th st and returned to the intersection of 11th st and Belden ave. near the factory entrance to the plant. Scores of strikers who had doubled back after the chase had taken up positions

Again the firing started. Four company guards standing in front of the Berger office directed their aim across Belden ave into a crowd which had gathered

in a restaurant owned by George Pelay. In this crowd were 15 children caught in the gunfire as they were returning from Burns school.

When the group of armed guards surged down 11th st to join with those stationed about the plant, front windows in the restaurant started to crash as bullets flew. One bullet broke a large plate glass window in the Belden ave side of the restaurant, zipped across the heads of children huddled back of the counter, and buried itself in the paneling on the opposite side of the room.

Others came crowding into the restaurant as the firing continued. Company guards atop the two story office building at the Berger plant hurled tear gas bombs into the street. Guards on 11th st also bombarded the place with tear gas.

Before publishing this story, the editor of the Repository, Roy D. Moore, telephoned Republic Steel Corporation's offices to obtain a statement in regard to the riot. He succeeded in reaching Mr. White:

Senator LA FOLLETTE. What was the substance of your further conversation with Mr. White?

Mr. Moore. I told him we were about to put out an extra, and asked him what the Republic wanted to say about it.

Senator LA FOLLETTE. And what did Mr. White say?

Mr. Moore. I think he said that if we did, we would have plenty to apologize

Senator La Follette. Can you recall Mr. White's exact words?

Mr. Moore. I don't believe I could get any closer than that. It was rather a sharp retort, and that was the essence of it.2

Before this committee Mr. White gave a specious and completely disingenuous explanation of the events that led to the violent outbreak. He was not present at the scene, but he professed to have an accurate picture of what transpired from reports given to him.

My report, when I got back, was that they had put in a hurry-up call from the steel plant, asking that guards be sent over there to help guard the steel plant, that it was going to be rushed. The picketing and stoning had become more violent as these cars kept going in and out, and the mob becoming more rabid and more unruly all the time. This particular load of officers, a cobblestone came through the window and practically blinded the driver of the ear; he had a broken nose and a broken jaw; he lost control of the car, and it ran onto the lewalk. This is the car that was burned by the pickets. Senator LA FOLLETTE. This was in the morning, wasn't it? sidewalk.

Mr. White. No; this was in the evening. This was after 4:30. This occurred while I was on my way from Youngstown to Berger. Understand I am not a witness to this; I am giving you the facts as they were reported to me.

Senator LA FOLLETTE. I understand; I hope Mr. Patton won't object because

your weren't present.

Mr. Patton. It is not his imagination, at any rate; it is a report of fact,

Senator LA FOLLETTE. The record will stand for itself. [Laughter.] Go ahead. Mr. White. As soon as he lost control of this car, the mob rushed up and

opened the doors of the truck. The rear doors are fastened on the outside, and I don't know what the mob expected to do, but they apparently thought these were workmen on the inside, and I can't imagine why they would want to get

Pt. 24, exhibit 4372, pp. 10245 ff.
 Pt. 24, p. 10138.
 Thomas F. Patton, general counsel, Republic Steel Corporation.

inside; maybe they were going to talk to the workmen, Senator, I don't know. But at any rate, the mob opened the doors and went in to do whatever they were going to do with these workmen, and it just happened that this load were the company guards, and there was nothing left for them to do but make their way back to the plant gates through the mob, and that is when the fighting started. They were stranded out in the middle of this mob and had to fight their way through a mob of some two to five thousand people to get back to the plant.

Senator La Follette. Is that your answer to my question as to whether or not you thought the shooting of tear-gas shells into the restaurant was necessary to protect the lives and the property of the employees of the Berger Manufac-

turing Co.?
Mr. White. The shooting of the tear gas, such tear gas as was shot, was necessary for the protection of the property, and to try and get these men who were stranded out in the mob of two to five thousand people, back to safety. Whatever was done was done for the protection of our men.

Mr. White admitted the participation of the Republic police armed with gas guns, in the riot. But his attempted explanation of the presence of the guards in the truck as a convoy to another plant, and of the manner in which the pickets let them out of the truck, is so utterly artificial and clearly intended to befog overwhelming evidence pointing at the culpability of the corporation, that the committee can do no less than to discount the credibility of his testimony.

The wanton and brutal attack of the Republic guards infuriated the mob to such a pitch that they destroyed the armored truck that had brought the guards into their midst. The extra edition of the Canton

Repository of Monday night, May 27, 1935, reported:

As the firing continued intermittently at Belden ave and 11th st strikers and sympathizers rallied their forces at Carnahan ave and 11th st and swarmed about the truck which had brought the guards out of the plant. They pushed it over the curbing and down into West creek. Gasoline was poured over the wooden cab and torches applied.2

That evening union leaders called on the city council, described the incidents of the afternoon, and requested police protection.3 On the following day the mayor and the city solicitor called on Vice President White, and requested him to attend a conference in the sheriff's office that afternoon. It is interesting to note that, in this strike, the first appeal to police authority was made by the strikers, and the first meeting between law enforcement officials and the company was initiated by the former in an attempt to investigate the activity of the

company guards.

The strike spread to the Arin Lodge, a Federal local of the American Federation of Labor, in the Canton Alloy plant on May 28, and later some of the employees of the Stark Rolling Mills went on strike. Excitement was high throughout the town, and especially among Republic's employees. Guy L. Sweany, secretary of the local in the Canton Alloy plant, testified that the conduct of the company guards so "agitated" members of that local that they demanded and took a strike vote. Prior to the Berger strike the Canton Alloy local had requested recognition from the management, "but had agreed not to force the issue at the time, and everything seemed to be going along quite all right." The company's preparations for the Berger strike, and the conduct of the company police precipitated the strike of the Alloy employees.4

<sup>&</sup>lt;sup>1</sup> Pt. 24, pp. 10012-10013. <sup>2</sup> Pt. 24, exhibit 4372, p. 10249. <sup>3</sup> Testimony of Bernard Rodgers, city solicitor of Canton, pt. 24, pp. 10016 ff. <sup>4</sup> Testimony of Guy L. Sweany, pt. 24, pp. 10078 ff.

Meanwhile the Republic police continued to make sorties from the plant in armored trucks, laying down gas barrages on occasion. On Tuesday morning May 28, a group of guards in a passenger car drove along Trump Road to the east of the Republic properties, in Canton, firing indiscriminately. At a point at least 2 miles from the Berger gate they shot into a group of five persons, three men and two women, who were walking peacefully along the road, not picketing, and having no apparent connection with the strike whatever. One of these persons was Mrs. Mary Reed, who had been visiting with her mother, who lived on Trump Road. Mrs. Reed described this incident as follows:

It was about—I imagine it was 12 o'clock, or a little after. We came closer to where my brother and mother were working in the garden, and we were talking there. We heard a lot of shooting and we knew it was coming from down below the hill. My mother's home is located, I will say at least half a mile from the blast furnace. We heard the shots, and they were coming closer. And my brother, he yells to me in the garden, "You girls better get in the house. One of those shots may come up here and hurt you.

At that, we turned around to get into the house and just started to run away when we heard the shots coming closer. Then we started to run to get inside the house, and I just got off the pavement when they shot me.

Senator LA FOLLETTE. Who shot you, do you know?

Mrs. Reed. The Republic Steel guards.

Senator LA FOLLETTE. Were they on foot or in the car of some kind?

Mrs. Reed. They were in a car.
Senator LA FOLLETTE. In a passenger car or a truck?
Mrs. Reed. They were in a passenger car.
Senator LA FOLLETTE. Were there any other people on the street?

Mrs. REED. There was a man by the name of John Motta. He was out in the garden where my mother was working.

Senator La Follette. As these guards approached your mother's home, were there any strikers or sympathizers, or anybody running away from them?

Mrs. Reed. I did not see any. I just saw the people that I mentioned. When the shooting started, all the neighbors came running to see what it was all about, and for a minute it sounded like there was a war coming on.

Senator LA FOLLETTE. You say that you just got to the curb-

Mrs. Reed. I just got to the curb when they shot me and I feel from the curb

down into the ditch off the road.

Senator La Follette. Then what happened?

Mrs. Reed. I do not know. I was unconscious.

Senator La Follette. Where were you shot?

Mrs. Reed. My legs and feet. I have the stockings and shoes here. Do you want to see them?

Senator La Follette. I should like to see them.

(Mrs. Reed handed the shoes and stockings to Senator La Follette.)

Senator LA FOLLETTE. I notice that there are holes in the soles of your shoes.

What made those? Mrs. Reed. The shots did. I had my instep, my arch shot all the way through, at the bottom of my foot, and coming out on the top. I had five in a row right

in the arch. Senator La Follette. You say you were running when you were first shot?

Mrs. Reed. Yes. I tried to get into the house.

Senator La Follette. And then you fell?

Mrs. Reed. Yes.
Senator La Follette. How do you explain—
Mrs. Reed. I did not fall. The shots knocked me down.

Senator LA FOLLETTE. You were knocked down by shot. Did you hear more than one report of a gun?

Mrs. Reed. Yes. I heard a lot of shooting before I was hurt. But after the first shot struck me, I did not hear anything else.

Senator LA FOLLETTE. I do not see how you could have been shot through the bottom of the foot, unless you were shot after you had fallen.

Mrs. Reed. At the hospital they told me I must have been shot twice, once

when I was up and once when I was down on the ground.

Senator LA FOLLETTE. Do you know approximately how many shots took effect in your body?

Mrs. REED. I had 25 holes in my legs and feet.

Senator LA FOLLETTE. Do you know what these shots were, were they birdshot?

Mrs. REED. They were heavily loaded buckshot.1

The records of Mercy Hospital in Canton, Ohio, and the affidavit of an eye witness, substantiate the facts as related by Mrs. Reed.<sup>2</sup> Mrs. Reed was in the hospital for 3 weeks and had to undergo several At the time of the shooting Mrs. Reed was pregnant. operations. The Republic Steel Corporation attempted to reach Mrs. Reed at the hospital and later at her home to make a settlement.

Senator LA FOLLETTE. Were you contacted, either directly or indirectly, in any way, while you were in the hospital, by the Republic Steel Corporation?

Mrs. Reed. At first I was not allowed to have any visitors. A nurse told meone day that there were four officials from the company to see me, but they did not allow them to come up.

Senator LA FOLLETTE. Did you receive anything from the Republic Steel

Mrs. Reed. A beautiful bouquet of flowers. [Laughter.]

Senator LA FOLLETTE. Was there anything in the flowers to indicate from

whom they came?

Mrs. Reed. I just cannot quote exactly his words, but it was "with sympathy" or something like that, and it had "Republic Steel" on it.

Mrs. Reed received a settlement of \$7,500 from Republic Steel Corporation. She testified that she had not fully recovered the full use of her feet.4

When questioned about such acts, Charles M. White, vice president in charge of operations, who was at the time directing the breaking of the Berger strike, testified as follows:

Senator La Follette. \* Mr. White, do you have any comment or any testimony that you would like to give in the light of the witnesses this afternoon?

Mr. White. Senator, the only thing that we can say about the cases, and most especially the case of Mrs. Reed, is that she most assuredly has the sympathy of all of the officers of our company, as have these other people who have been injured. That is something that we regret exceedingly. As I stated here this morning, we do not know how these things are going to be avoided entirely unless there is maintenance of law and order.6

Mr. White's conception of "law and order" apparently contains, in essence, little more than eliminating the picket line and breaking the strike by most extreme means in order that his plants can operate. It must be borne in mind, in assessing Mr. White's testimony, that the Berger union represented a majority of the workers, and was certified as the sole bargaining agency by the National Labor Relations Board and that the company had refused to recognize or bargain By all accounts picketing was peaceful, as attested by city officials, until the company guards provoked riots.6 How any concept of "law and order" can justify the shooting of Herbert Blazer and Mrs. Reed is difficult to understand. Such methods are comprehensible only as a way of demoralizing and intimidating a whole community in order to force people to go back to work.

Pt. 24, pp. 10024-10025, and exhibits 4338-4339, pp. 10183-10184.

Pt. 24, pp. 10025-10028, and exhibits 4338-4339, pp. 10183-10184.

Pt. 24, pp. 10026-10027.

Pt. 24, p. 10027.

Pt. 24, p. 10043.

See pp. 140-142.

## The following testimony turns on this point:

Senator LA FOLLETTE. Do you think the shooting of Mrs. Reed at this great distance from any of the properties of the Berger plant or the Republic Steel Corporation was necessary in order to protect either the lives of the employees or the property of the Republic Steel Corporation?

Mr. White. Senator, as far as I have been able to ascertain, Mrs. Reed was

not shot by any employee of Republic.

Senator La Follette. Did any of your lawyers ever advise you that you were not liable for damages to Mrs. Reed?

Mr. White. As stated this morning, we decided that the best way to bring about a normal situation in the city of Canton was to settle these cases as rapidly as they could be settled and get them out of the way.

Senator LA FOLLETTE. In all kindness, Mr. White, I do not believe your answer

is responsive. Did any of your attorneys at any time ever advise you that the company had no liability for the injury to Mrs. Reed?

Mr. White. We were advised that, as I recall it, we could fight these cases.

I remember the one relative to Mr. Milhelm, particularly that.

Senator LA FOLLETTE. I am not asking at the moment about Mr. Milhelm.

I am asking about Mrs. Reed.

Mr. WHITE. About Mrs. Reed, specifically? I cannot say definitely that we were advised that there was no liability. We were advised that we could fight these cases, but it would be a long procedure and, of course, there was no answer—Senator La Follette. Of course, anybody can have a lawsuit with all the lawyers running around.1

These atrocities by Republic guards did not terminate after the attacks of Monday afternoon and Tuesday noon. On Tuesday evening another sally was made from the plant of Republic by company guards who fired tear gas indiscriminately. This incident was observed by a staff photographer on the Akron Times-Press, Julius L. Greenfield. He described what he observed as follows:

Senator La Follette. Were things quieted down Tuesday evening while you were out there?

Mr. Greenfield. No, sir. It flared up again later on in the evening. I was standing on the corner of Eleventh Street, near Belden, talking with one of our reporters. We heard the gates open at the plant, the main entrance there, and turned to see an armored car and a couple of touring cars come out of the gate. We both stood there more or less frightened. We did not know what to expect. We stood watching them go right by us with gas guns sticking out from the side

of the car.

They proceeded down Eleventh Street, I believe, and after they passed us they started firing tear gas from both sides of the cars. We ran after them to get into the line of action. Of course, I was shooting speed flashes, and to get any kind of photographs I had to be within 20 feet or better.

We ran after them and I took pictures of the tear-gas bombs lying around and whatever I could get at that particular moment. I was more or less overcome by tear gas myself and had to be led around by a couple of other fellows who

On Wednesday morning the policy of open war was continued. this occasion, too, Mr. Greenfield managed to obtain some telling photographs. He testified that about noontime on Wednesday he had gone to the mayor's office with a reporter of the Akron Times-Press, named Sypher, to obtain a statement. As there was nobody there, they waited. The telephone rang, and as there was no one else present, Sypher answered it. There was an anonymous message to the effect that "you better get your police down to the picket line, because we are coming out to clear out the street." So Greenfield and Sypher rushed to the picket area "and did not say anything to any-

Pt. 24, pp. 10043-10044.
 Pt. 24, pp. 10028-10029.
 Pt. 24, exhibit 4341, facing p. 10184.

body." Greenfield stationed his camera at the window of a room above a restaurant facing Eleventh Street.

Mr. Greenfield. \* \* \* I kept my head sticking out of the window watching the plant, because I expected those trucks to come out any minute, and I wanted to get pictures as they were going by. I saw the armored truck, and I believed two touring cars following came out of the plant, the main entrance, and turn right and disappear from my vision. Of course, everybody else that was on the ground, the pickets that were around, saw them, too, and it was just a question of them all waiting to see when they would come by the same point. They were probably circling around the plant, and everybody expected them to do that, and I did, too, at the same time. Everybody was looking down Eleventh Street to the left, which looks toward a park down the street in that direction. direction.

Senator La Follette. Nimissila Park?

Mr. Greenfield. Yes; there was a possibility of their going around the block and coming back to the plant down Eleventh Street. It did not take very long

before we saw'them coming down Eleventh Street.

As they approached Carnahan and Eleventh they started firing tear gas again, like they had the evening before, from both sides. I saw them with their guns sticking out and firing in all directions. I did not want to get hit, so I ducked behind the window, keeping the camera up over my head, pointing out into the general vicinity of the street directly in front of the restaurant. And when I felt that they were just about in front of the place I took a picture. I did not know what I had, but it developed later, after I saw the picture, it was of one of the touring cars with a tear-gas bomb being fired out of the side of the window, in the direction of the restaurant, toward the position where I was.3

Through the blanket of gas Mr. Greenfield saw a man lying on the ground. He then

grabbed my bag and dashed out the back of the restaurant and out to the street and took some pictures of this gentleman here, Mr. Minor, lying on the His lower jaw was all covered with blood.

The tear-gas shell that Mr. Greenfield photographed from the second story window apparently struck Charles Minor in the jaw. The hospital record of Charles Minor reads, in part as follows:

Upper jaw comminuted fracture of jaw in front. Position good. Lower jaw transverse fracture right side in bicuspid region. Position perfect.

Another eyewitness, Wilbur E. Parsons, an employee of the Hercules Motor Car Co., reported the shooting of Mr. Minor as follows:

Senator LA FOLLETTE. Mr. Minor testified that he turned his head when you said "duck." What caused you to advise him to duck?

Mr. Parsons. Because as they were coming down Eleventh Street, the armored car was first and then there was a convoy of cars back of them, two cars I believe back of them, and they were putting out the guns out of the side of the cars then and they had already shot a couple of shells. I told him to duck, because they were coming down. He looked around to see what I meant, but just as he turned around, I went down behind the wall, and he turned around to look at me and he spun around, and one of the shells caught him in the jaw, when he spun around, and fell out in the street. He fell on his back. He started gasping, and after, they just ran out to him and they turned him over.5

According to this same witness, there had been no disturbance on the picket line except what was occasioned by the periodic sorties of Republic guards and their indiscriminate shooting.

Mr. Parsons. There was no disturbance between the strikers and the company guards at all. The company guards kept coming in and out of the plant, just shooting all the way up and down the street, both times. Senator LA FOLLETTE. You saw them do that twice?

Mr. Parsons. Yes.

<sup>1</sup> This photograph indicates that the car was a sedan, not a touring car.
2 Pt. 24, p. 10031.
3 Pt. 24, p. 10033.
4 Pt. 24, exhibit 4347, p. 10185.
5 Pt. 24, p. 10035.

Senator LA FOLLETTE. Prior to the time when the company cars came out of the plant, had there been any disturbance that morning?

Mr. Parsons. On Wednesday? Senator LA FOLLETTE. Yes.

Mr. Parsons. Not that I can remember.1

Officers Samuel Marconi and Ritz, of the Canton city police, were stationed at the picket line, on the order of the director of public They were instructed to apprehend anybody throwing gas bombs from trucks. Officer Marconi testified that all was orderly when they arrived at the picket line at about 10 a.m. on the morning of Wednesday, May 29. He described the events of Wednesday afternoon, when Charles Minor was shot, as follows:

Senator La Follette. In other words, you were in the zone which you had

informed the strikers they were not to go into?

Mr. Marconi. That is right. Somebody yelled, "Here they come." Our instructions were, when we got that order in the morning, to stop or apprehend anybody that was throwing gas bombs, which Officer Ritz and I tried to follow out. Immediately upon seeing the truck—and I did not know how many cars were coming up the street—we stepped out into the middle of the street, both of us, throwing up our hands.

Senator LA FOLLETTE. Were you in uniform?

The truck came rapidly on. We dashed to the south Mr. Marconi. Yes, sir. side of the street, or what would be the east side of the George Neago building. Upon arrival there, immediately turning around, the trucks were almost directly The instant we turned around there was a gas bomb lit at our feet; that is, Officer Ritz and myself. The same instant there was a gas bomb directly across the street that struck Charlie Minor in the face, which I saw. Simultaneously myself and Officer Ritz opened fire on the truck and the convoy, and we emptied our guns as they went up the street, firing six shots apiece.2

Officer Marconi had been stationed at the picket post from 10 o'clock in the morning until this shooting between 1 and 1:30 p.m.

Senator LA FOLLETTE. During that time and during the time the truck and the cars were making their way down the street, did you see anything which in your judgment as a police officer justified the shooting of these gas shells?

Mr. Marconi. Nothing at all.

Pursuant to the orders of the sheriff of Stark County, four Republic policemen were arrested. Richard R. France, chief deputy sheriff of Stark County, testified:

We arrested four policemen of the Republic Steel on the morning of May 29. After this shooting, I gave instructions to our deputies to stop any cars that were armed, if they had to use machine guns to stop them. And on the morning of the 30th, I think it was, two of our deputies, Deputies Hine and Piero, saw a car coming down on Eighth Street extension, going south. They immediately got out of the car and stopped them. They found they were armed and had revolvers and gas guns, and iron pipes, gas grenades, and they put them under arrest and took them to the county fail and locked them up.

Senator LA FOLLETTE. Did you personally have any contact with the guards or

policemen of the Republic Steel?

Mr. France. Well, I went out that morning when they put them under arrest, they put a call in to the office and I went out and assisted to bring them in.4

Mr. France described the arsenal found in the car in which these members of the Republic police department were arrested:

Senator LA Follette. Mr. France, you described the arsenal that was in these Was that taken to the sheriff's office?

<sup>1</sup> Pt. 24, p. 10035.

1 Pt. 24, pp. 10038-10039.

1 Pt. 24, pp. 10038-10039.

1 Pt. 24, pp. 10039. James L. Williams, who was in the truck, testified that while the street was perfectly clear, there was a barrage of bricks, and the officers, fired before the guards had discharged any gas (pt. 24, pp. 10046-10047). The committee prefers the testimony of the duly constituted officers to Williams' in herently contradictory story. Williams also testified that the truck, in leaving the plant, on 8th St. some hours earlier, was met with violence-by pickets.

4 Pt. 24, p. 10049.

Mr. France. Yes, sir; we had 2 Federal gas guns; 24 gas gun projectiles; 15 gas grenades; 1 piece of iron pipe; and 1 iron rod. The pipe and rod had grips taped on them.

In addition, these Republic policemen had three revolvers and two

blackjacks.2

Perhaps the most illuminating evidence of the attitude of responsible company officials toward this campaign of violence is provided by testimony concerning conferences between Vice President White and local law-enforcement officers. As has been noted above, it was protests by unionists that stirred the city government to action, as a result of the union protest at the city council meeting on May 27. Bernard Rodgers, city solicitor of Canton, on May 28 undertook to investigate the matter and paid a visit to the Berger plant with Mayor Turnbull and the chief of police. He met Mr. White who, according to Mr. Rodgers, "said that he hadn't had the protection from the sheriff and police department." 3 At that time, as far as the record shows, the company had not complained to the police department or any other officials concerning the picketing, nor made any request for protection since the beginning of the strike. Mr. Rodgers suggested that they visit Sheriff Joseph T. Nist of Stark County and discuss the matter with him. This they did between 3 and 4 o'clock in the afternoon. There Mr. Rodgers informed Mr. White it was his information that the riot of Monday had been provoked by company guards sallying out of the plant and that if picketing was not peaceful the corporation could seek an injunction in the courts. In the course of this conference the participants engaged in a heated argument. Mr. White was reported by Mr. Rodgers to have said, "Well, if we don't get some protection we will do as we did yesterday."

Thereupon, Mr. Rodgers threatened to stop the company guards even if he had to use machine guns. Mr. Rodgers' testimony with

regard to this conference is as follows:

Mr. Rodgers. I believe Mr. Veach, a Cleveland attorney, accompanied Mr. White, and we all went into the sheriff's private office to discuss the strike situation. Senator LA FOLLETTE. Give us the substance of this conference to the best of

your recollection?

Mr. RODGERS. To the best of my recollection, the substance was this: I informed Mr. White that the police department was greatly undermanned, that we had to my knowledge no previous requests for police protection; that this riot had come about from reports of facts that we had, by guards sallying out of the plant. I told him that I thought that if there was no peaceful picketing it was the remedy of his corporation to seek an injunction; that the courts of Ohio had laid down peaceful picketing in the Cleveland case, and if it were mass picketing, it wasn't peaceful picketing, and that we would do the best we could to preserve law and order, whereupon Mr. White said to me in substance, "How about some policemen to take these men home?"

I said, "Do you mean the men in your plant?"
And he said, "Yes."
"Well," I said, "I don't think that would be advisable; we would probably scatter the strike all over town."

Mr. Veach, I believe, then said, "You know we could sue the city; we could sue the county."

And I said, in substance, "Well, sue if you want to."

Mr. White got mad and I got mad and Mr. White said, "Well, if we don't get some protection we will do as we did yesterday," and I said, "No, you won't." I was mad, too. Then the sheriff stepped up and started pounding the table

<sup>&</sup>lt;sup>1</sup> Pt. 24, p. 10050. <sup>2</sup> Pt. 24, exhibit 4354, p. 10198. <sup>3</sup> Pt. 24, p. 16017.

Testimony of Bernard Rodgers, pt. 24, p. 10018; and testimony of Sheriff Joseph T. Nist, pt. 24, p. 10020,

and in the heated argument I said to Mr. White, "Now, if you attempt anything that we have been reported was attempted yesterday, the police department will probably be there and maybe with machine guns.'

Mr. Veach said, "Why, you wouldn't send machine guns out to the guards.

would you?"

And I said, "No, I wouldn't, but it might happen unless the guards stay on the company property."

Then he and the sheriff got into some discussion about the riot out there and we all talked and hammered on the table and shortly after that I went home, about 6 o'clock.1

Sheriff Nist corroborated Mr. Rodgers, in substance.<sup>2</sup> According to the sheriff's recollection, Mr. White made demands for police protection to escort men in and out of the plant.<sup>3</sup> The sheriff refused on the ground that such action would spread the strike all over Canton and create unnecessary rioting in other parts of the city. Captain Gilroy, of the Republic police, had submitted to the sheriff on May 7 or 8, a list of Republic policemen with the request that they be deputized. Before the certificates of appointment had been issued the strike broke, and the sheriff refused to deputize the very men who were responsible for the disorder in Canton. In the course of this conference Sheriff Nist testified that Mr. White became angry and said, "I have broken strikes before and, by God, I will break this one." The testimony of Sheriff Nist is in part:

Senator LA Follette. Were any demands made on you by any of the representatives of the company that their police should be deputized?

Mr. Nist. Well, they insisted, Mr. White insisted, that we have sufficient men

to protect his men.

Senator LA FOLLETTE. What did he say?

Mr. Nist. Well, I don't know; it was the first time I had ever met Mr. White during that strike, and I haven't seen him since, but after all, I felt as I was the sheriff I had a right to say things, too, and things became pretty hot, that law and order had broken down there, and this, that, and the other, being accused of a lot of things that really weren't true.

Senator LA FOLLETTE. You were accused of things?

Mr. Nist. Well, that law and order had broken down. After all, when you have a handful of men and a riot arises, naturally you try to maintain law and order to the best of your ability. It has always been my policy to get to the center of the road and waiver neither way, and try to keep violence down. After all, a few hundred are involved in a big fight, and I have 220,000 people in my county, so naturally I am the servant for all of them. That is the policy we have always adopted in my department.

Senator LA FOLLETTE. What position did you take in response to Mr. White's

request for deputization?

Mr. Nisr. I said it wasn't advisable in view of the strife they were having at the gates of the plant in the city of Canton, and proposing to transport them throughout the city would ultimately result in transporting the riot all over the Senator LA FOLLETTE. And what did Mr. White say in response to your decli-

nation?

Mr. Nist. Well, he insisted and was pretty hot under the collar about that. There is one thing I never quite forgot. I was new on the job and I knew very little about labor strife. Mr. White said, in his heat, "I have broken strikes before, and by God, I will break this one."

And you can rest assured, Senator, I was considerably alarmed, with only a limited amount of men. However, I will say that I didn't try to run the city of Canton at that time, but naturally the sheriff has to stand ready, which we did.4

Confronted with the testimony of victims, the testimony of neutral and impartial witnesses, the testimony of city and county officials,

<sup>1</sup> Pt. 24, pp. 10018 and 10019.
2 Pt. 24, pp. 10019-10021.
3 Prior to this time, the company had transported food into the plant. See testimony of Lester P. Rice, pt. 24, pp. 9987.
4 Pt. 24, pp. 10020-10021.

and with documentary evidence obtained from hospital records. police department records, action photographs, and such mementos of strife as came into the committee's possession, Mr. White, vice president in charge of operations and at that time the guiding hand in breaking the Berger strike, made the following statement:

Senator LA FOLLETTE. Mr. White, you have heard the testimony; have you

any comments to make upon it?

Mr. White. I think the first that I should make is the sheriff's memory does

not seem to be any better than his actions when we asked for help.

I certainly do not recall ever having made any statement that I had broken strikes before and could break them again.

I deny that categorically and absolutely.

Now, we asked for deputy sheriffs. I remember that circumstance very well. I also remember that I told the sheriff that we didn't care whether our men were deputized or not—that he could deputize any man he pleased; that he could put his own deputies on the job, but that I wanted protection for our men. I had an obligation; I had committed myself to getting our men safely back

and forth to their homes. I felt that that was a job for the officers of the law to see that men should get safely back and forth to their homes. It didn't seem to

me as though that were an unusual request.

I can't understand why I had to get mad and storm, as he says, to try and get people to escort workmen, who I think have the right to work, or at least they thought they had the right to work; and I thought they had the right to work, why it should be unusual; when the sheriff certainly knew that their cars were being stoned; he knew about the trouble that was there; he knew that every time a car left the plant it was being stoned and that there were barricades across the street. I couldn't understand, and I can't understand today, why a man who has sworn before God that he will uphold law and order will shut his eyes and not be interested enough to keep an appointment, and we should have to hound him all over the county to talk to him about keeping law and order.

And, Senator, I myself insist again that the evidence you are hearing today is the trouble with this whole labor situation. I have told you that we are trying to develop and maintain fine relations with our men. We have no trouble with the men on the inside of our plants; we don't have arguments that we can't eventually settle out and talk out; and that is what we are trying to do and there is no better evidence in all the record, better than anything I can say, is the men that stayed in our plants when strike calls came, who stayed in there and worked; in the strike of 1937 you will find when you come to the record that thousands of men stayed in the plants and worked. They brought their bedelothing and extra clothes into the plants when they knew a strike call was coming so they could stay in there and work. They wanted to work.

Now, my great story is that the men should have the right, peacefully, to go back and forth from their place of employment: that I don't see why there is a

back and forth from their place of employment; that I don't see why there is a break-down of law and order in so many communities where this trouble occurs. And, Senator, I believe that the keynote of this whole situation is that when a strike occurs today it is immediately interpreted as some sort of a political strike and because there are a lot of votes involved that the men in office can't make up their minds whether they should be on the side of law and order or whether there are more votes on the side of mob rule. I think Mr. Nist was troubled

[Laughter.] that way.

And that is the thing that occurs all over the country, and I don't see how we are going to ever do the right thing by the workman of this country until he has the right to go back and forth to his work whether he wears a C. I. O. button or a K. of C. button or a Masonic emblem or the mailed fist or the swastika—I think that every man has the right to go to work; the American flag ought to be good enough for any man; it is good enough for me.

Senator LA FOLLETTE. I am glad to hear that. [Laughter.]

Mr. WHITE. I don't know anyone, Senator, while we are talking along that line, who has done more to uphold the traditions of the American flag than the Republic Steel Corporation, and I challenge any statement to the contrary.

Mr. White burst forth into this panegyric in an attempt to explain events which his superior, President Rufus J. Wysor, considered "regrettable things" when he "could not condone as incidents,

Pt. 24, pp. 10021-10022,

regardless of who or what was responsible for them."1 The chief executive of the corporation also admitted, in a prepared statement submitted to the committee on August 11, 1938, that his men "erred" during the Berger strike:

Details of occasions where our men have erred have been developed at length before this committee. On one occasion in 1935, at our Canton, Ohio, plant, after a complete breakdown in all local law enforcement, our guards escorted workers through the streets of Canton in going to and from work. They did that because absolutely no protection was to be had from the civil authorities. The outcome, in the heat and excitement of the moment was a regretable riot.

As a result of that unfortunate experience, our guards learned it was wrong to leave company property. The breakdown of law enforcement in any community rests upon the heads of the law enforcement officials. No private interest should attempt to assume that responsibility. My orders are that during any period of labor trouble or excitement, company guards are not to leave company property

and are strictly to avoid violence of every kind.2

#### SECTION 3. ESPIONAGE DURING THE STRIKE

The strategy of Republic Steel Corporation during the Berger strike was complete in its tactical organization. It included espionage by members of Republic police and other hired agents. spies appeared on the picket line as active supporters of the strikers. They freely mingled and formed friendships with union members and officers. They participated in a joint strategy committee of the striking unions to gain complete information on plans of the union. The wife of one of these spies struck up an acquaintance with the wives of the leaders of the strike in order to gain further information. And all the while these spies transmitted information so obtained to Captain Gilroy of Republic police, principally by telephone.

A strike strategy committee was organized among the leaders of the various unions in Canton to plan and coordinate their activities in the strike. The members of this committee were, among others, Lester P. Rice, president of Loyalty lodge, of Berger, Darrell C. Smith, representing the Central Labor Union, Louis Morris and Guy L. Sweany, representing the Arin lodge of the Alloy plant, and

Edward C. Ray, from the Stark Rolling Mills.

As has been noted above, the Arin lodge of the Alloy plant of the Republic Steel Corporation went on strike on May 28, 1935, partly because of their own desire for recognition, and partly as a result of the actions of the company toward the Berger strikers. The Stark Rolling Mills had closed down partly because their main approaches were through the gates of the Berger and the Alloy plants, and picketing at those gates made it difficult to obtain enough force to operate the plant, and partly because some 350 of their employees went out on strike, without official action of their local lodge of the Amalgamated, in support of the strikes in the other Canton plants.

On the first day of the Berger strike, one Kenneth J. Sodders appeared upon the picket line and told Lester P. Rice, president of the Loyalty lodge, that he had been fired from Stark Rolling Mills 3

¹ Pt. 24, p. 10155. In spite of these admissions counsel for the company claimed the testimony before this committee was one-sided and offered 12 witnesses. The affidavits of these people are printed in pt. 24, pp. 10300-10300 to substantiate this claim. Affidavits by these 12 persons are discussed in appendix A of this report. See pp. 219-231.
¹ Pt. 34, exhibit 5251.
To what extent these orders were effective in curbing Republic guards in peacetime is discussed in ch. VIII. The behavior of the corporation during the 1937 strike will be treated by this committee in a subsequent report on the labor policies of "Little Steel" companies and the strike of 1937.
³ A branch of Republic Steel Corporation.

because he was radical. To substantiate this, he showed a pay check made out to him from the mill. Mr. Sodders and his friend, Mr. Ray then gave nobly of their services to the strike-committee and in return were taken into the confidence of the strike leaders and hobnobbed intimately with many of the strikers. Mr. Rice testified:

Senator LA Follette. Did Mr. Sodders perform any services in connection

with the activity of the strike strategy committee?

Mr. Rice. Well, he had a machine, and he done a lot of hauling us around any place we wanted to go. It was quite humorous and serious at the same time. He bought us meals and drinks, and since we find out from the testimony they had been paid by the Republic Steel Corporation in an undercover way by what we in labor circles call "stoolpigeons."

Separator LA FOLLETTE Was Mr. Sodders in your confidence?

Senator LA FOLLETTE. Was Mr. Sodders in your confidence?

Mr. Rice. Somewhat; yes, sir. Senator La Follete. How about Mr. Ray?

Mr. Rice. He, too.

Senator LA FOLLETTE. As a result of Mr. Sodders' connection with this strike strategy committee, did he become familiar with the plans and the activities and the strategy of the strike committee?

Mr. Rice. Yes, sir.

Senator La Follette. Did you find that Mr. Sodders had acquaintance among those who were on strike or not?

Mr. Rice. Oh, yes; he was talking to everybody.2

Mr. Sodders confirmed Mr. Rice fully on this.

Senator La Follette. Did you, as Mr. Rice testified, take him about in your car, buying him meals and drinks?

Mr. Sodders. That is right.

Senator La Follette. Did you become acquainted with other officers or people responsible for the activities of the strikers?

Mr. Sodders. I became acquainted with everybody I could.3

Mr. Sodders and Mr. Ray became officers of an independent union which was organized at Stark Rolling Mills, and which voted to support the Berger strike. The Canton Repository of June 1, 1935, under the caption, "Stark Group Organizes," reported the following.

Edward C. Ray today reported that approximately 350 employees of the Stark Rolling Mills met Friday night at Bandi's hall, Belden Ave. N. E. and organized an independent union. Mr. Ray was elected president, Martin Beckner vice president, William Blunt secretary-treasurer, James Martin recording secretary, and K. J. Sodders publicity representative.

Mr. Ray said his organization had no connection with the Amalgamated Association of Iron, Steel & Tin Workers with a federal or other type of union.

The members voted to remain out on strike, to support the Berger strike and to assist in picketing. The Stark Rolling Mill employs approximately 1,500

Mr. Sodders and Mr. Ray were, during these activities, in the pay of Republic Steel Corporation as spies. The roster of Republic policemen shows that Kenneth J. Sodders was taken on the police force on May 15, 1935. Among the strike-expense items of Berger Manufacturing Co. there is found also an item of \$588.03 paid to Kenneth and Gertrude Sodders. Testimony developed that large amounts of additional money were paid in cash by Captain Gilroy to Sodders. Furthermore, Sodders had "hooked" Ray to spy for him, and paid him part of the money he obtained from Captain Gilroy.

Mr. Sodders was hired by Superintendent Williams and sent down

to Canton to report to Captain Gilroy.

<sup>1</sup> Testimony of Lester P. Rice, pt. 24, pp. 10080-10081.

Pt. 24, p. 10081.
 Testimony of Kenneth J. Sodders, pt. 24, p. 10091.
 Testimony of Kenneth J. Sodders, pt. 24, p. 10091.
 Pt. 24, exhibit 4368, p. 10243.
 Pt. 25, exhibit 4487, p. 10794.

Senator LA FOLLETTE. It has been testified that you went from Youngstown to Canton in May 1935; is that correct?
Mr. Sodders. That is right.
Senator LA FOLLETTE. Who instructed you to go there?

Mr. Sodders. Mr. Williams.

Senator La Follette. Did he give you any reason for the transfer?

Mr. Sodders. All I was told was to report to the Eighth Street office at Canton.1

On Monday morning, May 27, 1935, Sodders also enlisted the aid of his old friend, Ed Ray, to help him in his labor-espionage work.

Senator La Follette. When did you first make your business arrangement with Mr. Ray in connection with the Berger strike?

Mr. Sodders. I believe it was on Monday morning of the 27th I went down to

Mr. Ray's home to see him.

Senator La Follette. Tell us the substance of your conversation with Mr.

Ray

Mr. Sodders. Well, I went down there and I had not seen Mr. Ray prior to that time—oh, it was possibly a year, and I did not know where he was working or what he was doing, and I located him and I went down to the house and talked to him. He told me he was working out at the plant. I said, "Well, there is going to be a strike out there and you cannot do any work." He said, "Well, if I have to, I will go over the fence to go to work." He said, "I am going to work."

As I had known him for 15 years, I told him what I was doing there and I would like to have some help, and would he be willing to help me? He just wanted to know what our job was going to be, and I explained the whole thing to

him as I saw fit.

Senator La Follette. Did you mention any compensation for his services if he accepted your proposition?

Mr. Sodders. I told him that he would be paid for his work, but I did not

know how much, and that I had no authority to tell him how much he would be paid; in fact, at that time I did not know myself what I was going to be paid.2

Captain Gilroy corroborated Mr. Sodders testimony and further stated that Mr. Williams had told him to put Mr. Sodders "out in the

Senator LA FOLLETTE. What was Sodders getting all this money for?

Mr. Gilroy. He was doing some outside work for us. Senator LA FOLLETTE. What kind of outside work?

Mr. Gilroy. Keeping down damage to property and things of that kind. Senator LA FOLLETTE. Keeping what?

Mr. Gilroy. Keeping down damage to property, vandalism, in other words.

Senator LA FOLLETTE. You mean outside the plant? Mr. Gilroy. Yes, sir.

Senator LA FOLLETTE. What kind of damage?
Mr. Gilroy. Window breaking, and things of that kind.
Senator LA FOLLETTE. Was he doing undercover work?

Mr. Gilroy. If that is what you call it.

Senator I.A FOLLETTE. Had he done that sort of work for you before?

Mr. Gilroy. No, sir.

Senator LA FOLLETTE. How did you happen to pick him out to do it this time? Mr. Gilroy. Well, he came over from Youngstown when the strike started. Senator LA FOLLETTE. Who sent him over?

Mr. Gilroy. Mr. Williams.

Senator LA FOLLETTE. When he came over, did you have any recommendations from him or from any other person that he was a good man for undercover work?

Mr. Gilroy. The fact of the matter is that Mr. Williams told me to put him out in the town.

Senator LA FOLLETTE. Do what?

Mr. Gilroy. Checking up and whatever he could pick up to let us know about it.

<sup>&</sup>lt;sup>1</sup> Pt. 24, pp. 10087-10088. <sup>2</sup> Pt. 24, pp. 10094-10095. <sup>3</sup> Pt. 24, pp. 10065-10066.

Sodders reported to Captain Gilroy by telephone and in person at various places. He never reported in writing.

Captain Gilroy described the activities of Sodders and Ray in the

following terms:

Senator LA FOLLETTE. What did Mr. Sodders and Mr. Ray report to you on? Mr. Gilroy. What was going on around the town. Senator LA Follette. What was the nature of those reports?

Mr. Gilroy. Well, reports that they were talking about going out breaking windows in homes, some of those parties that were on strike.

Senator LA FOLLETTE. Were windows broken in this period around June 28?

Mr. Gilroy. There had been some broken; I couldn't say what period.

Senator LA FOLLETTE. Were any broken after the strike was over?.

Mr. Gilroy. Yes, sir.

Senator La Follette. How long after the strike was over do you know of your own knowledge any windows being broken?

Mr. Gilroy. I would say possibly in the month of June 1935. Senator LA Follette. Did these gentlemen report to you on anything else besides window-breaking episodes?

Mr. Gilroy. Yes; as to what these fellows had been doing; what they in-

Senator La Follette. What do you mean by "these fellows"? Mr. Gilroy. That is the fellows that were out on strike.2

Being in the confidence of the strike leaders Sodders and Ray, between them were able to keep Superintendent Williams, who was in Canton in full charge of the crew of company police, completely informed of union's plans, its morale and strength. Edward Ray, who attended most of the strike strategy committee's meetings, reported to Sodders, who transmitted the information to Williams or Gilroy. Ray testified:

Senator LA Follette. As president of this independent union which avowed' at its meeting that it was going to support the strike, did you make any contact with Mr. Rice?

Mr. RAY. I met him out on the picket line and at the strike headquarters. Senator LA FOLLETTE. Did you participate in the meetings of the strike strategy committee?

Mr. RAY. Well, it wasn't exactly participation, I sat around and listened. Senator La Follette. And the information that you obtained as-a result of sitting around and listening to the strike strategy committee meetings, what did

you do with it?
Mr. Ray. Turned it over to Mr. Sodders.3

As mentioned before, an expense voucher in the Berger strike expense account of the Republic Steel Corporation shows an item of \$588.03 paid to "Kenneth and Gertrude Sodders." \* Sodders had brought his wife to Canton with him. Mr. Sodders explained her activities as follows:

Senator LA FOLLETTE. Did she perform any services in connection with the strike, or afterward?

Mr. Sodders. Well, she would tell me things that she heard around town, and so forth, such as that, but it was my understanding when I left Youngstown to come to Canton that I would not go to Canton unless she could come, too, and that her expenses would be paid along with mine.

Senator La Follette. Well, was she in any sense of the word, Mr. Sodders,

assisting you specifically in your work?
Mr. Sodders. Well, I wouldn't call it that; no.

Senator LA FOLLETTE. Would you say that she was definitely making efforts to obtain information?

Mr. Sodders. Any information she heard she would pass on to me.

<sup>&</sup>lt;sup>1</sup> Pt. 24, p. 10065. <sup>2</sup> Pt. 24, p. 10067. <sup>3</sup> Pt. 24, pp. 10103-10104. <sup>4</sup> Pt. 23, exhibit 4318-75, p. 9960.

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Senator LA FOLLETTE. Did she make the acquaintance, to your knowledge, of any of those strike leaders or of their wives?

Mr. Sodders. I believe she knew Mrs. Rice, yes, sir.

Senator LA FOLLETTE. And how did she become acquainted with her; if you

Mr. Sodders. That I couldn't say.

Senator LA FOLLETTE. Do you know of any other wives of strikers that she knew specifically?

Mr. Sodders. Mrs. Rice and Mrs. Goetz, I have seen those two around; that is the only two I remember of her being with.

Sodders passed on this information and any additional information he had obtained through his own and Mrs. Sodders' efforts to Superintendent Williams, as well as to Captain Gilroy:

Senator La Follette. How did you obtain this information, Mr. Sodders? You said you hung around. Where did you hang around?

Mr. Sodders. Around the picket lines and uptown and anywhere any of these

fellows would congregate.

Senator LA FOLLETTE. How did you communicate with Mr. Williams, by telephone?

Mr. Sodders. By telephone.

Senator LA FOLLETTE. Did you ever make any report to him in writing? Mr. Sodders. I did not.2

Sodders and Ray tried to "hook" still another person, Keith Hamman, a half-brother of Sodders, to give them additional spy information. Mr. Hamman was a bus driver and an active member of the Bus Drivers' Local 689, in Canton. He testified concerning the incident as follows:

Senator LA FOLLETTE. Did you have any occasion to discuss the Berger situa-

tion with Mr. Sodders?

Mr. HAMMAN. Well, at one time him and Mr. Ray contacted me one evening in the city of Canton with the proposition that I was to receive a certain amount of money providing I procured and delivered to them certain information regarding my local union, its activities, and how it felt toward the Berger strike.

Senator La Follette. How much money was suggested?

Mr. Hamman. There was no stipulated amount set.
Senator La Follette. What sort of information did they desire you to obtain concerning the attitude of your union?

Mr. Hamman. Well, they wanted me to get all the names and addresses of the men in my local, their attitude toward the strike, those that were in sympathy with it and those who were not in sympathy with the strike.8

Mr. Sodders admitted asking Mr. Hamman for the names and addresses of some members of the bus drivers' union, but claimed that the reason for this was that he was informed it was a bus driver who had struck Mr. White during a melee at the picket line on Monday morning, and he wished to know which person had done this and whether any of the members of the bus drivers' union had been "mixed up in any vandalism whatever." 4

The most concrete achievement of Sodders and Ray was in their encouragement of the back-to-work movement. They used the "independent union," at the Stark Rolling Mills, in which they held office, as a center of disaffection. This appears from the following description

of the way the independent union folded up:

Senator LA FOLLETTE. How long did the independent union last? Mr. Sodders. Oh, I would say 4 or 5 days. Senator LA FOLLETTE. What caused its abandonment?

<sup>1</sup> Pt. 24 pp. 10106-10107. 2 Pt. 24, p. 10089. 3 Pt. 24, p. 10082. 4 Testimony of Kenneth J. Sodders, pt. 24, p. 10093.

Mr. Sodders. Well, if I recollect correctly, on Sunday morning, which would be a week after the strike broke, Eddie Ray and I went out to Belden Avenue, and I think it was Martin Beckner that we met walking down toward the Berger office, and they hollered at Eddie, and Eddie asked them where they were going, and they said, "We are going to see Russ Horne and get our jobs back before we don't have any." I was out, I had nothing to do with the independent union. Mr. Ray went in with them or went down to the office with them, I don't know which. I went on up the street after I let him out. Then they went in and as I heard, or as I was told, they talked with Russ Horne, and they wanted to come back to work the following Monday, said that the union had broken up and they were no longer interested in the thing due to the back-to-work vote that had been taken on Saturday, as I understood it.<sup>1</sup>

This is corroborated by the testimony of Walter Paul Koellner, a deputy sheriff of Stark County, of Sheriff Nist's staff, concerning a conversation he had with Ed Ray.

Well, he seemed to think that the strike was a wildcat strike more or less. He said that he was forming a labor union for the purpose of settling the strike and giving the men a chance to go back to work.2

-It is necessary here to point out that the Berger strike was ended on June 1 after a "back-to-work" vote in which Berger employees were not allowed to vote; only the employees of Stark Rolling Mills and the Alloy plants were permitted to participate in the vote. This "backto-work" vote was held under the auspices of Mayor Turnbull, as a result of pressure exerted on the mayor by Carl Lappin, the leader of a Republic company union. Mr. Lappin, who arranged for the "backto-work" vote testified as follows:

Senator LA FOLLETTE. Why did you think, Mr. Lappin, that the Berger em-

ployees should be excluded from the vote?

Mr. LAPPIN. Because, Your Honor, we had nothing to do with them. so-called strike that was called on our side was in sympathy, they say; I don't know anything about that. The only thing I didn't think we should mix up in the Berger affairs, and we determined there with the mayor that only Stark Mill men and the United Steel Division men should vote.3

After obtaining assurance of cooperation and protection from the mayor, Mr. Lappin made the necessary arrangements to hold the back-to-work vote on Saturday, June 1. The result was overwhelmingly in favor of returning to work, the Berger employees not voting.

Mr. LAPPIN. There were 2,215 persons who presented themselves at the poll. There were 164 votes cast in favor of not returning to work; 34 blank ballots, 2 disputed and uncounted ballots; 2,015 votes cast in favor of returning to work.

Senator La Follette. So far as you know, Mr. Lappin, did the Berger em-

ployees participate in this vote? Mr. LAPPIN. They did not, sir.4

It is significant, of course, that Ray was president and Sodders publicity agent of the so-called independent union at Stark Rolling Mills; and Lappin was the company-union representative in the Central Alloy Division.

In spite of the fact that the Berger employees were not allowed to vote, the result of this balloting was taken as a mandate for clearing the picket lines at the Berger plant on June 1. Darrell C. Smith, a witness previously cited, explained the events on the picket line following the vote, as follows:

Pt. 24, p. 10100. Pt. 24, p. 10086. Pt. 24, p. 10148. Pt. 24, p. 10149

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Senator LA FOLLETTE. What happened after the result of the vote became

generally known?

Mr. Smith. The Republic Steel whistles all began blowing, as though in celebration of the result; particularly, I heard a siren whistle which is plainly audible all over the city, screaming for perhaps 15 or 20 minutes, I believe, with about every whistle in the plant held down for that length of time in celebration.

I hurried out to the strike scene, and arrived in time to see the police take down the barricades which they had erected earlier in the week, just ordinary, all they are, are just ordinary wooden barricades, which are commonly used to put around sewer excavations or something like that, a simple matter to remove them.

They removed these barricades in the street and banished all of the pickets,

and encountered no resistance at all from the pickets.1

What role Sodders and Ray played in this "back-to-work" vote among the members of the "independent union" at Stark Rolling Mills is not known to the committee, but if Deputy Sheriff Koellner's statement is accepted, Ray was in favor of ending the strike, which one must assume to be one of the purposes of his spying activities. Mr. Koellner also reported Ray as having told him, as quoted above, that "he (Ray) was forming a labor union for the purpose of settling the strike and giving the men a chance to go back to work."

Ray continued as an active spy for some time after the strike was Sodders not only continued his espionage work but, to make his position with the union leaders more secure, joined the Arin Lodge of the Amalgamated Association of Iron, Steel & Tin Workers, a local in the alloy plant of Republic in Canton, which, for a time, survived the Berger strike defeat. Sodders sought to explain this action to

the committee as follows:

Mr. Sodders. I was out around the picket lines as I have stated before, with Mr. Rice and a man named Morris, who I believe was president of this Arin Lodge, and I had been around pretty nearly a week, and some people got to be inquisitive and wanted to know why I was there, and so forth, and they were under the impression at the time that I was a member of this so-called independent union. I was never a member of that union at all. Well, it had broken up and Louis Morris and I were going from town out to the plant one day; he was in the back

Morris and I were going from town out to the plant one day; he was in the back seat, and he said to me, "Sodders, I hear you are a Republic Steel Corporation policeman"—and I just passed it off, and I said, "That is right, Louis; I am."

And that was all that was said about it. Well, in a couple of days after that, I don't remember the man's name, but I believe he was secretary of this Arin I adde and this same I out Morris were untown and at that time they were pretty

Lodge and this same Louis Morris were uptown and at that time they were pretty hard up for money. They had spent practically all the money they had on the strike, and they were putting the pressure on anybody they thought had money to join the union or pay up their dues, and so forth. In order to protect my own position, I had to join that union. I wasn't interested in unions, I never have been interested in unions since I was a kid 18 years old because—
Senator LA FOLLETTE (interposing). What do you mean, to protect your posi-

tion you had to join a union?

Mr. Sodders. They got to asking questions and after all, I had a job to do, and I was going to do it to the best of my ability.

It appears from the testimony of Captain Gilroy that though the strike was over on June 3, 1935, Mr. Sodders continued to operate as a spy at least until June 24, 1935.

Senator La Follette. And how did he (Mr. Sodders) report to you? Mr. Gilroy. At times he telephoned in. The fact of the matter is that that was the way most of his calls came, or his reports came.

Senator La Follette. Did you get any reports in writing?

Mr. Gilroy. No, sir. Senator La Follette. Any in person?

Mr. Gilroy. Later on, yes; possibly along about this time; along about June 24.8

<sup>&</sup>lt;sup>1</sup> Pt. 24, pp. 10143-10144. See also report of Chief Deputy Richard R. France, pt. 24, exhibit 4354, pp. 10197-10198.

<sup>2</sup> Pt. 24, p. 10113.

<sup>3</sup> Pt. 24, p. 10066.

The financial arrangements between Sodders and Captain Gilroy were loose and lavish. In the very essence of espionage work, it is difficult to establish the value of service. That Superintendent Williams and Captain Gilroy had faith in Sodders and prized his services highly is shown by their unquestioning response to his demands for money.

Senator LA FOLLETTE. When did you first find out how much you were going to be paid on this job?

Mr. Sodders. It was after the strike was over that I met Mr. Gilroy outside. Senator LA FOLLETTE. Am I to understand that you did not receive any money while the strike was in progress?

Mr. Sodders. I received money from Mr. Gilroy for expenses, and so forth.

Senator La Follette. But none for wages or salary?

Mr. Sodders. I did not need any. I had plenty of money; I did not need any money.

Senator LA FOLLETTE. How much money did you get, approximately, while

the strike was in progress?

Mr. Sodders. That was pretty hard to say. When I needed money, I would call and tell him that I would like to have some money, and they would arrange to meet me some place and give me some money.

Senator LA FOLLETTE. Did you give any of the money which you received while the strike was in progress to Mr. Ray?

Mr. Sodders, Sure. The man had to live.

Senator La Follette. Approximately how much\_did you give him?

Mr. Sodders. While the strike was in progress, I imagine I gave him maybe a couple or three hundred dollars.

Senator La Follette. After the strike was over, did you ascertain how much you were being paid in the form of wages or salary?

Mr. Sodders. Well, as I said before, after the strike was over I met Mr. Gilroy and we had dinner together and we talked the whole thing over, and he told me at that time what we were being paid.

Senator LA FOLLETTE. And what did you find you were being paid?

Mr. Sodders. Twelve dollars a day and all of my expenses.
Senator La Follette. And at that time was there any discussion as to how much Mr. Ray was to receive?
Mr. Sodders. Well, we were both to receive the same.

Senator LA Folletta. Can you give me any approximation, Mr. Sodders,

of how much money you received during the progress of the strike?

Mr. Sodders. Well, that would be pretty hard to say, Senator. When I needed money I would call to get it, and when it was gone I would call for some more. I never kept track of it. The fact of the matter is I think in your records there you are going to find a blank expense account that I signed, due to the fact that I did not know how much money I had received.1

Captain Gilroy identified blind vouchers totaling \$2,435 as covering money drawn by the police department and charged to the Berger strike account to reimburse Sodders for his expenses.2 Both Sodders and Captain Gilroy were utterly unable to account for the expenditures of these sums of money in any detail. When asked what Sodders was getting all this money for, Gilroy could say only, "He was doing some outside work for us." Sodders accounted for some \$250 to \$300 of it as advances to Ed Ray; another \$25 was paid to an informant for some "useless information"; a maximum of \$20 a week was spent to buy meals and drinks for union men; 6 and the balance apparently went to pay the expenses of himself and his wife or were unexplained. Neither Sodders nor his superiors in the police department

Pt. 24, pp. 10095-10096.
 Testimony of Joseph F. Gilroy, pt. 24, pp. 10065-10072.
 Testimony of Joseph F. Gilroy, pt. 24, p. 10065.
 Testimony of Kenneth J. Sodders, pt. 24, p. 10097.
 Testimony of Kenneth J. Sodders, pt. 24, p. 10098.
 Testimony of Kenneth J. Sodders, pt. 24, p. 10096.

of the Republic Steel Corporation, Captain Gilroy <sup>1</sup> and Superintendent Williams, <sup>2</sup> appeared in the least worried or embarrassed by their inability to account for the expenditure of such large sums of money. Their attitude seemed to be that it was their job as company police to obtain whatever data they could concerning the activities of the labor unions and if this entailed the careless and unexplained expenditure of large sums of money, the money would have to be spent.

Both Sodders and Ray were made uniformed patrolmen of the Republic police force after they finished their service as labor spies in Canton. The story of Sodders and Ray throws an interesting sidelight on the psychological processes whereby the labor spy justifies to himself his treacherous betrayal of his companions. Sodders attributed bad motives to the union men. Ray, on the other hand, simply developed a calloused conscience:

Senator LA FOLLETTE. How could you square with your conscience accepting the presidency of an organization which had the avowed purpose of supporting the Berger strike?

Mr. RAY. I didn't let my conscience bother me.3

<sup>&</sup>lt;sup>1</sup> Testimony of Joseph F. Gilroy, pt. 24, p. 10065. <sup>2</sup> Testimony of James L. Williams, pt. 24, p. 10074. <sup>3</sup> Pt. 24, p. 10103.

#### CHAPTER VIII. ESPIONAGE BY REPUBLIC POLICE DEPARTMENT, 1936-37

In his statement explaining the functions of industrial police departments, Mr. Williams implied that union people are watched to see that they did not indulge in organizing efforts during working hours. Beyond that, however, he brushed aside the charge of spying as unworthy of an answer. Tom M. Girdler, in his testimony before the Senate Committee on Post Offices and Post Roads in June 1937, pertaining to interference by pickets with the United States mails during the steel strike of 1937, denied categorically that Republic

patronized any espionage agencies.

The role played by Ray and Sodders during the Berger strike completely refutes Mr. Williams' charitable explanation of Republic police activities. Both of these men, and others, were hired to do "outside work," which included joining labor unions, appearing on the picket line, befriending and entertaining union leaders and their wives, joining in the counsels of the strategy committee and transmitting all the information so gained to Superintendent Williams and Captain Gilroy. If watching union men to see that they do not linger on their jobs is the limit of police department espionage activities, certainly Ray and Sodders were on the wrong side of the company's fence during the Berger strike.

The Berger strike episode does not exhaust the evidence of espionage by Republic police. The height of spy activity was reached after the beginning of the organizing drive by the Steel Workers Organizing Committee in June 1936. Regardless of Mr. Williams' attempt to sidestep the issue, when the evidence in the committee's record accumulated beyond the possibility of impeachment or dismissal as exceptional aberrations, Mr. Williams finally capitulated and admitted that labor espionage was conducted regularly by his department.

Senator LA FOLLETTE. Does your department or does it not conduct any undercover service for the purpose of obtaining information about labor union .activities?

Mr. WILLIAMS. Not chiefly for that purpose, no.

Senator LA FOLLETTE. I did not ask you if it was chiefly; I asked you if you .did that as a part of your work?

Mr. WILLIAMS. It sandwiches itself in, yes.

Senator La Follette. When you have undercover work to do of a labor espionage nature, do you customarily employ special men for that purpose?

Mr. WILLIAMS. No; as a general rule, no.

Senator LA FOLLETTE. You assign one of your regular force?

Mr. WILLIAMS. In most cases, yes.

Senator LA FOLLETTE. In connection with undercover or detection activities of your department, do you ever purchase information from others outside of your own force?

Mr. WILLIAMS. I have; yes. Senator La Follette. Have you done that often?

Mr. WILLIAMS. I would say quite often; yes.

Senator LA FOLLETTE. Have you ever had men outside of your own organization who had regular assignments and were paid wages for this type of work?

Mr. WILLIAMS. Certainly.

Senator La Follette. How many would you say? Mr. Williams. I don't know; it would vary.

Hearings under S. Res. 140, 75th Cong., 1st sess., p. 236.
 Pt. 25, p. 10437.

In the succeeding pages of this chapter the character and extent of this undercover work will be described, first in detailed accounts of particular episodes, and secondly as a part of the general espionage exchange that exists among steel companies and other industrial corporations. The revelations are not exhaustive; in fact, the committee has reason to believe that the situation described in the succeeding pages can be expanded manifold. The instances here presented are only a few examples which the committee was able to study in detail. The existence of other spies than the ones examined by the committee was admitted by Superintendent Williams and his captains of police. Of the espionage which Mr. Williams revealed was carried on by large corporations through their own operatives, the committee was able to study only Republic Steel Corporation and the Youngstown Sheet & Tube Co. in any detail.

### SECTION 1. ESPIONAGE IN YOUNGSTOWN, OHIO 1

Soon after the Steel Workers Organizing Committee began its drive in 1936, word went out on the "grapevine" that Superintendent Williams was hiring men. Harold Frederick Vargo, alias Ira Albert(s), alias Richard Brooks, a professional fink of long experience,2 heard on the "grapevine" in Buffalo about Williams' need for men and went to Cleveland to obtain an assignment.

Senator LA FOLLETTE. You said that when you first went to Youngstown and saw Captain Butler he said he did not have any work for you? How did you happen to go to Youngstown?
Mr. Vargo. I was sent up there by Jim Williams.

Senator LA FOLLETTE. And where did you contact Mr. Williams?

Mr. Vargo. At his office in Cleveland.

Senator La Follette. How did you happen to contact him?

Mr. Vargo. Whether Beaudry had given me this information or whether I had picked it up, it was-

Senator LA FOLLETTE (interposing). It was out on the grapevine?

Mr. Vargo. It was out on the grapevine that Jim could use a few men, so I went up to see him.

Vargo's experience as a strikebreaker is typical of his trade. information in this committee's record alone, which is perhaps incomplete, shows him to have worked as a strikebreaker in the following strikes: Columbus Railway Power & Light Co., Columbus, Ohio, April 16-30, 1934; 4 Johnson Bronze Co., New Castle, Pa., May 27-31, 1934; the Yellow Cab, Cleveland, Ohio, May 1934; gasoline station employees' strike, Cleveland, Ohio, April 1934;7 National Screw & Manufacturing Co., Cleveland, Ohio, February 16, 1935; and Statler Hotel, Cleveland, Ohio, September 1935. In the Columbus Railway. Power & Light Co. and Johnson Bronze Co. strikes he was engaged by Allied Corporation Service, Inc., a detective agency, and in the National Screw and Statler Hotel jobs he worked for the Associated

¹ Youngstown has a population of 170,000. Its principal industry is steel. Republic Steel Corporation has there blast furnaces, open hearth furnaces, blooming mills, Bessemer converters, billet mills, bar mills, electric weld pipe mills, etc., employing some 8,600 workers. The Youngstown Sheet & Tube Co. has its principal plants in Youngstown and adjoining suburbs of Brier Hill, Campbell, and Struthers. Youngstown Sheet & Tube employs normally about 17,000 workers in this district. United States Steel Corporation also has plants in Youngstown.
² See "Strikebreaking Services," S. Rept. No. 6, 76th Cong., 1st sess.
² Pt. 26, p. 10934.
² Pt. 1, exhibit 185, p. 348.
² Pt. 1, exhibit 186, p. 352.
² Testimony of Harold Frederick Vargo, pt. 26, p. 10931.
² Testimony of Harold Frederick Vargo, pt. 26, p. 10932.
² Pt. 22, exhibit 4259, p. 9471.
² Testimony of Joseph Vamos, pt. 26, p. 10938.

Industries of Cleveland, an employers association which renders strike services. In the others he obtained the assignments apparently as a free lance. It was with this background that he was hired as a spy by Republic Steel Corporation and assigned to Youngstown.<sup>1</sup>

Vargo was not the only spy engaged to report on union activities in Youngstown. With him was Joseph Vamos, also from the ranks of finkdom, who was employed in the same manner. Both went to see Mr. Williams, in Cleveland, and were sent to Youngstown to Captain Butler. Vamos had been on strike jobs with Vargo. He had worked on the National Screw and Statler Hotel jobs with him, being engaged by the Associated Industries of Cleveland for those He had previously worked for Pinkerton's National Detective Agency, Inc., on the Industrial Rayon Corporation strike of May 1935, in Cleveland.<sup>3</sup> He participated again in the Black & Decker strike of 1936 in Kent, Ohio, where he was employed by National Metal Trades Association.<sup>3</sup>

When Vamos "went up to see Mr. Williams and asked him for a job" he was told to "go down and see Mr. Butler." Mr. Vargo reported his conference with Mr. Williams as follows:

Mr. VARGO. Well, Mr. Williams told me that there was a possibility of an opening in the police department; there were wonderful opportunities connected with the police department of the Republic Steel Corporation.

Senator La Follette. Did he tell you what those opportunities were?

Mr. Vargo. Yes, he told me that all of his sergeants and all his captains had

at one time started in the ranks of the patrolmen.

Senator LA FOLLETTE. Did he explain to you what the duties would be? Mr. Vargo. No; he did not.

Both Vargo and Vamos were apparently given to understand that their jobs in Youngstown would be in the Republic police department.

They went down to Youngstown together and reported to Captain Butler. From the employment records, however, it appears that while Vamos was put on as a pipe fitter in the mill on July 20, 1936, Vargo was not put on the Republic pay roll until August 25, 1936, when he was hired as a pipe fitter under the alias Ira H. Albert. Mr. Vargo testified that he reported to Butler in July and was hired at the Republic plant in Youngstown and assigned to work in the machine shop of the open-hearth division; that he left this work because it was unpleasant and returned to Cleveland; and that after 2 weeks he returned to Youngstown, saw Captain Butler again and was taken on as a pipe fitter again under the same alias. It is noteworthy that though formal demand was made on the Republic Steel Corporation by the committee for all records of the employment of Harold Frederick Vargo by the corporation, the only such record received was a report of his earnings and an employment record to covering his service as a patrolman in the Buffalo district of the Republic Steel Corporation during the summer of 1937, after he had finished his espionage activities in Youngstown. This is due to the accounting methods whereby undercover operatives were paid cash covered by

<sup>1</sup> Testimony of Harold Frederick Vargo, pt. 26, p. 10933.
2 Testimony of Joseph Vamos, pt. 28, p. 10938; and testimony of Paul Meggart, pt. 22, pp. 9363-9366.
3 Testimony of Joseph Vamos, pt. 26, p. 10938.
4 Testimony of Joseph Vamos, pt. 26, p. 10939.
5 Pt. 26, pp. 10936-10937.
5 Testimony of Joseph Vamos, pt. 26, p. 10939, and testimony of Harold Frederick Vargo, pt. 26, p. 10940; 7 Pt. 28, exhibit 4531, p. 11117.
5 Pt. 26, exhibit 4526, pp. 11108-11109.
6 Pt. 26, exhibit 4525, p. 11108.
10 Pt. 26, exhibit 4530, pp. 11116-11117.

"blind" vouchers.1 The instructions given by Mr. Butler to Vamos when he went to work were disclosed to the committee by the latter.

Senator LA FOLLETTE. When you went to work, did you have any other duties aside from your labor in the shop?

Mr. Vamos. Oh, he told me if any rumors went around about labor or anything like that, I should let him know.<sup>2</sup>

Vamos reported on what he discovered to Mr. Butler, both in writing and orally.

Senator LA FOLLETTE. Did you submit any reports in writing to anyone?

Mr. Vamos. Oh, I think I sent him a couple of letters. Senator La Follette. To Mr. Butler?

Mr. VAMOS. Yes.

Senator LA FOLLETTE. Where did you send those letters to him?

Mr. Vamos. Some box, post-office number. Senator La Follette. Had he given you the post-office box?

Mr. Vamos. Yes. Senator La Follette. Did you submit any oral reports to him?

Mr. Vamos. Oh, I called him up once. I told him I needed some money.3

In return for his efforts in reporting on labor activities Vamos was paid the difference between his mill hand's salary and a company patrolman's salary, about \$2 per day, by Mr. Butler. Vamos worked in this fashion for about 7 weeks, resigning on September 25, 1936, because, as he put it, "I did not think much of the job and the pay was not so much and I was working too hard." 6

Vargo's service as an undercover operative for the Republic company police covered a longer period, and from all accounts, ran the whole gamut of a labor spy's experiences. On December 17, 1936, he joined the Steel Workers' Organizing Committee's Republic local in Youngstown.<sup>7</sup> At the same time he became a volunteer organizer for the union.<sup>8</sup> In this role he "recruited membership for the C. I. O." He also attended numerous organization meetings held "for the purpose of acquainting the new members with the principles of the organization." He "spoke at a few of these meetings," in addition to soliciting new memberships.10 One of the union leaders testified, without contradiction from Vargo, that he also had been present at secret meetings of the union leaders at which plans were made to carry on the organizing drive and that he had been active in the distribution of union leaflets as early as December 1936.10

On March 12, 1937, a meeting of Republic employees who were members of the S. W. O. C. was held, at which a local was chartered and permanent officers elected. Vargo was present at this meeting and was elected financial secretary in the following manner:

Senator LA FOLLETTE. How did you happen to be elected financial secretary? Mr. Vargo. Well, I was nominated for the presidency and I declined it in favor of a Mr. Thomas White, and in turn, I believe, I was nominated for the position of vice president, which I declined in favor of a gentleman by the name of Sturm, and another nomination I think was for financial secretary. I am pretty sure I declined that nomination, and then a few of my friends insisted

<sup>1</sup> See ch. 10, p. 195,
2 Pt. 26, p. 10939,
3 Pt. 26, p. 10940,
4 Testimony of Joseph Vamos, pt. 26, p. 10940,
4 Pt. 26, oxhibit 4531, p. 11117,
6 Pt. 26, p. 10940,
7 Pt. 26, exhibit 4519, p. 11105,
Testimony of Harold Frederick Vargo, pt. 28, p. 10910,
7 Testimony of Harold Frederick Vargo, pt. 26, p. 10911,
10 Testimony of Edward Velisky, pt. 26, p. 10917.

that I accept the office in the union, and the next position that I was nominated for was that of financial secretary, which I accepted and was voted into the

The functions of the financial secretary were described by Vargo:

Senator LA FOLLETTE. What were the duties of the financial secretary? Mr. Vargo. To keep track of all of the records of the union, to collect dues, list them in the records, and in turn, turn them over to the treasurer, I believe it was.

Senator LA FOLLETTE. Did you collect the dues or did the treasurer collect the dues?

Mr. Vargo. Well, I had volunteer collectors that assisted me in the collection of the dues. The treasurer's duty, I believe, was just to make the deposit; in other words, he was more or less of a figurehead; he did not have much to do but sign the bills.2

It is clear that the financial secretary is a key officer since he has custody of all the records of membership and dues. Hence it is the most desirable position for a labor spy. Vargo continued in this position until 2 weeks before the strike began, when he resigned at the request of the other officers of the union.4

During this period Vargo was reporting to Captain Butler by means of written reports sent to a post-office box.

Senator LA FOLLETTE. What instructions, if any, did you receive from Mr. Butler?

Mr. VARGO. Well, the only instructions I received were to keep my eyes open. I imagine he took it for granted that I knew what I was to look for.

Senator La Follette. Did you make any report to him?

Mr. Vargo. A few.

Senator La Follette. In writing?

Mr. VARGO. Yes. Senator LA FOLLETTE. Where did you send them?

Mr. VARGO. Some post-office box; I don't recall exactly which one it was. Senator LA FOLLETTE. Did you make any report to him in writing?

Mr. VARGO. Yes, sir; I did.

Senator LA FOLLETTE. Frequently?

Mr. Vargo. Not very frequently. Senator La Follette. Did you report to anyone else?

Mr. Vargo. Not that I recall, sir. I think all of my dealings were with Captain Butler.5

Concerning the money he received for these services Vargo testified:

Senator LA FOLLETTE. What was your compensation to be?

Mr. Vargo. Well, I was receiving—I believe at that time more in the mill a first-class patrolman was receiving. I had an expense allowance.

Senator La Follette. How much?
Mr. Vargo. Well, whatever was necessary for me; whatever I could get. was it. If you have got an expense account, I know that I get as much as I can out of it.

Senator LA FOLLETTE. How were you paid?

Mr. VARGO. Paid by check.

Senator La Follette. At the end of each week?

Mr. VARGO. No; on the regular company pay days. Senator LA FOLLETTE. How did you get your expense money?

Mr. Vargo. From Captain Butler.

Senator LA FOLLETTE. What did you present to him, if anything, in order to get expense money?

Pt. 26, p. 10911. Pt. 26, p. 10912.

Testimony of Harold Frederick Vargo, pt. 26, p. 10914.
Testimony of Charles Fagan, pt. 26, p. 10919.
Pt. 26, pp. 10940-10941.

<sup>128457---39-----11</sup> 

Mr. VARGO. I did not present anything. I would call him up and tell him that I needed some money, that I was broke; and he asked me how much he owed me, and I usually told him and he would bring the money out to me.

Senator LA FOLLETTE. In cash?

Mr. VARGO. Yes, sir.

Senator LA FOLLETTE. How much did you receive in all as expense on this

Republic job?

Mr. VARGO. I could not say, Senator. I spent it just about as fast as I got it. Senator La Follette. Could you give me an approximation of how much it

Mr. Vargo. Well, whatever my expenses happened to be. I ate well and drank well.1

When confronted with the testimony of Vamos and Vargo concerning their activities as labor spies on his behalf, Mr. Butler confirmed their testimony:

Senator LA FOLLETTE. Have you heard the testimony of Mr. Vargo? At the time I think he worked for you, he was known as Albert.

Mr. Butler. Yes, sir.

Senator LA FOLLETTE. Did you hear the testimony of Joseph Vamos?

Mr. Butler. Yes, sir.

Senator LA FOLLETTE. Have you any comment to make on this testimony? Mr. Butler. No, sir.

Senator LA FOLLETTE. Does your recollection confirm their testimony?

Mr. Butler. I think so. Senator La Follette. How did you make these expense payments or extra payments to Mr. Vargo-in cash, as he testified?

Mr. Butler. Cash.

Senator LA FOLLETTE. And how did you obtain that cash?

Mr. Butler. I got that money from Mr. Williams. Senator LA FOLLETTE. In cash?
Mr. Butler. Yes, sir.<sup>2</sup>

He also testified concerning the post-office box from which he received reports from Vargo and Vamos:

Senator LA FOLLETTE. What post-office box number were you using for these reports?

Mr. Butler. I had very few reports. I talked with Mr. Vargo, I met him, talked to him, and as far as post-office boxes, very few times did they write.

Senator LA Follette. But what post-office box did you use?

Mr. BUTLER. Box 443.
Senator LA FOLLETTE. Do you still have that box?
Mr. BUTLER. Yes, sir; the box does not belong to me.
Senator LA FOLLETTE. To whom does it belong?

Mr. BUTLER. F. F. Kuneman.

Senator LA l'OLLETTE. Who is Mr. Kuneman?

Mr. Butler. He is one of my lieutenants.

Senator LA FOLLETTE. Is that box registered in his name?

Mr. Butler. Yes, sir. Senator La Follette. Who pays for that box?

Mr. BUTLER. He pays half and I pay half. He lives out in the country.3

The reason given by union officials for demanding the resignation of Harold Vargo, or of Ira Albert, as he was known to them, was that a member of the company police department informed them that Republic Steel knew the active membership of the S. W. O. C. from one of the lodge officers. By a process of elimination it was decided that since Vargo-Albert was the only officer knowing the entire membership and since he had done other suspicious things, he must be a spy.4 The reason the officers chose to demand his resignation rather than to denounce him publicly as a spy was stated by Charles. Fagan, who succeeded him as financial secretary of the local:

Pt. 26, p. 10941. Pt. 26, p. 10949-10950. Pt. 26, pp. 10952-10953.

Testimony of John Steuben and Charles Fagan, pt. 26, pp. 10919-10923.

At that time, being a new lodge, we did not want no scandal attached to our lodge, because we knew if a financial secretary was exposed, it would probably hurt us from getting more members, as a man would not want to join any organization if he knew the company was going to know he joined the organization; he would not put his head out that far.1

Hence, Vargo was able to continue as a member of the union until sometime in June, well into the strike. He continued his reports on union activities, even when on the picket line, to Captain Butler.2 It is also noteworthy that Vargo who kept the union membership records in his home, retained the union records for a week or 10 days before surrendering them to the union in an incomplete and unverifiable state.3

When Vargo became useless as a spy in Youngstown, he was permitted to resume his correct name and was sent to Buffalo to become a uniformed Republic patrolman in the Buffalo district. left Youngstown he received from Butler the largest single expense payment he had ever received, some three or four hundred dollars.4

It appeared from the testimony that the labor espionage activities of the Republic company police in Youngstown were by no means limited to the service of Vargo and Vamos. When Butler was asked how many men besides Vargo and Vamos were doing "this kind of work" he first asserted they were the only two, and then corrected himself as follows:

Mr. Butler. May I put one other thing in, "Doing this kind of work"—when you say that, I had some men out on the streets, my own patrolmen.

Senator LA FOLLETTE. That is what I am talking about—how many men did

you have out on the streets?

Mr. Butler. Well, we would change turns, and maybe this week there might be two or three out and maybe next week two or three different ones.

Senator LA FOLLETTE. What was the largest number you had out at any one

time, approximately?

Mr. Butler. We had out in the day turn, the turn that started at 8 o'clock in the morning to 4 o'clock in the afternoon, and the next turn from 4 in the afternoon to 12 midnight—and on both of these turns, I think, two or three or four men. They would be taken from the regular police force and put on these jobs.

Senator LA FOLLETTE. Approximately how many did you have out at any

one time?

Mr. Butler. Six is the most I can recollect.

After some questioning he testified concerning the nature of the work done by these regular policemen on the streets:

Senator LA FOLLETTE. They were reporting to you on the activities of the organizers, what they could pick up?

Mr. BUTLER. Sure.

Senator La Follette. Were they reporting in writing, or orally, or both? Mr. Butler. Most all of that was orally. There was some writing.

He also testified concerning the information he obtained from these men:

Senator LA Follette. What did you do with the information you obtained? Mr. Butler. About these certain parties?

Senator La Follette. Yes.

Mr. Butler. Well, they would tell me personally. Senator La Follette. Did you send the information you got from these men orally or in writing or both, to anyone else outside of Youngstown?

<sup>1</sup> Testimony of Charles Fagan, pt. 26, p. 10923.
2 Testimony of Harold Frederick Vargo, pt. 26, p. 10926.
3 Testimony of Charles Fagan, pt. 26, p. 10926.
4 Testimony of W. Earl Butler, pt. 26, p. 10950.

9 Pt. 26, p. 10951.

Mr. Butler. No; most all my conversation was on the telephone to Cleveland, to Mr. Williams or to his office. He might not answer the phone.

In this way the labor-espionage information gathered by Butler's men in Youngstown found its way to Superintendent Williams, at headquarters in Cleveland.

# SECTION 2. ESPIONAGE IN MONROE, MICH.<sup>2</sup>

The acquisition of the Newton Steel Co. with a plant in Monroe, Mich., was approved and voted on by Corrigan, McKinney, and Republic as of February 5, 1935, though the actual consummation of the merger was not effected until June 1935.3 Between these two dates James S. Torbic, of the Republic Steel Corporation police, left his job as captain in the Warren district to become chief of police at

the Monroe plant of the Newton Steel Co.

Since 1933 the Newton Steel Co. had utilized labor espionage services of an outside agency, National Corporation Service, Inc. When Torbic took charge in Monroe he continued to receive National Corporation Service reports from its operatives, one of whom was Jack Keyser. In accordance with his previous training at Jones & Laughlin and Republic, Torbid soon changed this. He spotted Keyser, put him on his own pay roll, paying him out of police funds, and terminated the detective-agency service. Torbic testified as follows:

Senator La Follette. Mr. Torbic, in the course of your work at Monroe, did you at any time pay any persons for information concerning union activities among the employees of the Newton Steel plant?

Mr. Torbic. Yes, sir; I did.

Senator LA Follette. Whom did you pay?

Mr. Torbic. Jack Keyser.

Senator LA FOLLETTE. He was the operative I referred to?

Mr. Torbic. Yes, sir.

Senator LA FOLLETTE. Of the National Corporation Service?

Mr. Torbic. Yes, sir.

Senator LA FOLLETTE. Did you employ him through the National Corporation Service, or did you take him on your own pay roll?

Mr. Torbic. I took him on to my own pay roll; that is, I did not take him on the pay roll; I paid him myself. I would put it that way. Senator LA FOLLETTE. You paid him in cash? Mr. Torbic. Yes.

Senator LA FOLLETTE. Out of the corporation's funds?

Mr. Torbic. Well, I paid him perhaps out of my own funds and then in turn got reimbursed.

Senator LA FOLLETTE. What union activities did Mr. Keyser report on?

Mr. Torbic. Well, at that particular time when I went to Monroe, Mr. Keyser was, as stated here previously, engaged with the National Corporation Service, and he had been making his reports I don't know where. However, I did receive copies of these reports in the mail, and after a certain length of time I found out who Mr. Keyser was, whose operative he was, and when I did find out I immediately discontinued the service of the corporation—that is, through this outside outfit—and got Mr. Keyser to report to me directly.

The employment of Keyser was by no means the only source of labor-union information developed by Mr. Torbic in Monroe. Mr. Torbic's interest in labor activity transcended the limits of his own plant, went beyond the confines of Monroe, and took in Detroit.

<sup>\*</sup> Pt. 26, pp. 10951-10952.

\* Monroe is a small town of a population of 20,000. The Newton Steel Co., a division of Republic Steel Corporation, though correspondingly small, is one of the few important employers of labor in Monroe. It operates sheet mills employing about 1,500 workers.

\* Testimony of Thomas F. Patton, pt. 23, p. 9772.

\* Pt. 1, exhibit 184, p. 843, and exhibit 187, pp. 363 and 368. See also pt. 1, p. 189.

\* Pt. 27, p. 11326.

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Toledo, Flint, and other places. The statements of traveling expense incurred by the police department of the Republic Steel Corporation, which were submitted by the corporation to the committee, pursuant to subpena, included a voucher for \$330 by Mr. Torbic, dated July 31, 1936. The explanation on the voucher read "special account."

Mr. Torbic explained this expenditure thus:

Senator LA FOLLETTE. For what purpose were you spending this money? Mr. Torbic. Well, to learn what was going on.

Senator La Follette. How did you learn what was going on in the month of

July by spending \$330?
Mr. Torbic. By contacting people.

Senator La Follette. In what way?
Mr. Torbic. Well, personal contact or by sending someone out to travel.
Senator La Follette. Whom did you send out to travel?

Mr. Torbic. Well, some of my police officers. Senator LA FOLLETTE. What did they report to you?

Mr. Torbic. Sir?

Senator La Follette. What did they report to you?

Mr. Torbic. Well, they did not report anything of any importance, to be frank with you.

Senator LA FOLLETTE. What did they report to you that you considered worth \$330 a month, in the month of July?

Mr. Torbic. Nothing.

Senator La Follette. You won't get anywhere if you fence with me, so please

be frank. What were these men doing?

Mr. Torbic. I told them, Senator, to go to Toledo, go to Detroit, or go to Flint and contact, I don't know who, but find out how things are going so far as labor conditions were.

Senator LA FOLLETTE. You mean to find out whether there was any union sentiment, whether there was any labor-union activity?

Mr. Torric. That is right.2

This expense voucher was just one of a series of such vouchers submitted by Mr. Torbic to cover police-department expenses incurred during 1936.<sup>3</sup> The total of these vouchers was \$2,679.22. Mr. Torbic said about them, "they represent this investigation that I spoke about, sending these men out to find out what was going on." 4

These espionage activities of the members of the company police at Monroe continued in 1937; they were not limited to the activities of labor unions in the Newton Steel Co.'s plant alone. Payments made by Torbic on police department expense vouchers described as "special account" totaled over \$4,000.5 Mr. Torbic explained this increase over 1936 as follows:

Mr. Torbic. In 1937, I might say, the conditions were much different than they were in 1936. You probably recall that in Detroit, Mich., or in Flint, rather, all around there, they had a lot of sit-down strikes, a lot of violence, Senator. I will be perfectly frank when I say that we had checked that condition quite thoroughly.

Senator LA Follette. In other words, you had your own policemen out in plain clothes making labor investigations?

Mr. Torbic. Yes, sir. Senator La Follette. And that accounts for this large increase in expenditures?

Mr. Torbic. Yes, sir.

Senator LA FOLLETTE. Did you employ only men who were on your regular force, or did you employ any special men for this work?

Mr. Torbic. Only regular men; just men on our regular force.

<sup>1</sup> Pt. 25, exhibit 4489, pp. 10796 ff.
9 Pt. 27, pp. 11329-11330.
9 Pt. 27, exhibit 4661, p. 11471.
4 Pt. 27, p. 11331.
9 Pt. 27, exhibit 4663, p. 11472.
9 Pt. 27, pp. 11333-11334.

Torbic also named the members of his force who engaged in these espionage activities as Steve Mattes, Sidney Anderton, and Daniel Reitz.1

Mr. Torbic was finally hoist by his own petard. This was developed in connection with the committee's examination of a voucher dated September 24, 1937, which read "\$1,000—special expense and supplies".2 The voucher was signed by Mr. Torbic. He explained that about 4 or 5 days after the "Little Steel" strike began, in May 1937, he received an anonymous telephone call requesting a meeting with him on an important matter. Mr. Torbic met the stranger at Flat Rock, Mich., identifying him by means of his automobile license number, which he had given to Torbic. The stranger, who gave his name as Jack Smith, offered to give Torbic "inside dope" on plans being made by the United Automobile Workers to aid the strikers.3 Mr. Torbic accepted this offer because, as he stated:

Well, the way he talked to me there I thought he had the line-up on things pretty well; yes, sir.

Thereafter Torbic received numerous telephone calls from Smith, and met him to receive personal reports on several occasions. ing in the middle of September Smith demanded payment at the rate of \$500 per month for the information he had given Torbic. Despite the fact that this information was considered unreliable by Torbic, he paid him the \$1,000 covered by the "special expense" voucher because Smith threatened suit. Torbic explained:

Then he contacted me a few days later and said he was going to bring suit against me. And I will be perfectly frank with you, Senator, knowing that your committee was working on things, we didn't want anybody to know that we had had any stool pigeons. I didn't think it would get to where it did, and to settle the matter and settle it quietly, I gave the man \$1,000 in order not to say anything about it. [Laughter.]

This he did after discussion of the matter with Superintendent Williams. He met the man in Flat Rock and paid him off in cash, taking no receipt. When asked for further information concerning Smith, Torbic could give only the vaguest description of him.

#### SECTION 8. ESPIONAGE IN CLEVELAND, OHIO

There are, in the city of Cleveland, 3 plants owned by Republic Steel Corporation, employing about 5,700 men,6 as well as several other steel plants employing additional thousands of workers. after the opening of its drive in the summer of 1936, the Steel Workers' Organizing Committee set up an office in Cleveland under the direction of Bozo J. Damich, and began to hire a staff of organizers. Several of those hired had formerly been leaders in a then defunct local of the Amalgamated Association of Iron, Steel, and Tin Workers in the Corrigan, McKinney plant, the largest Republic Steel Corporation plant in Cleveland, and several of these had been employee represent-

<sup>!</sup> Pt. 27, p. 11334.

! Contained in exhibit 4489, pt. 25, p. 10796.

! Testimony of James S. Torbic, pt. 28, pp. 11566-11569.

! Pt. 28, p. 11568.

! Testimony of James S. Torbic, pt. 28, p. 11568-11569.

! The population of Cleveland, according to 1930 census, was 900,000. Republic Steel Corporation owns and operates in Cleveland byproduct coke ovens, blast furnaces, blooming mills, billet mill, sheet-bar mills, a wide hot-strip mill, a cold-strip department, a bolt, nut, and rivet factory, an electric-weld tube plant, and steel-fabricating plants. steel-fabricating plants.
Testimony of Alex Balint, pt. 26, p. 10964.

atives under the corporation's employee-representation plan. One of these former employee representatives who was employed as an

organizer by the SWOC was Elmer Lohman.2

About the middle of July 1936 Lohman, who had come under suspicion because of his strange mannerisms, was denounced by a man named Walter Maloney, alias Walter Juergens, who accused Lohman of causing his discharge by turning his name in to the corporation. This, together with other suspicious circumstances, led to Lohman's dismissal as a union organizer about the end of July 1936. On July 31, 1936, Maloney made his position with the union even more solid by giving the following sworn statement in a letter to Van A. Bittner, director of the western region of the SWOC:

DEAR SIR AND BROTHER: On July 27, 1936, I, Walter Maloney, was laid off from work at the Republic Steel. They gave me no reason. On July 30, 1936 I went back to get my working clothes. I was told I could not go on the grounds until Captain Jones had seen me. I waited for two hours for him, then was told to come back the following morning at ten o'clock. On July 31, 1936 I went back to talk to Captain Jones. He asked me if I knew who was the organizers for the union inside the mills. I said no and if I did know I wouldn't tell him. I asked him why I got fired be gave me no reason. But the pulled out shout thirty for memwhy I got fired he gave me no reason. But [he] pulled out about thirty-five membership cards out of his desk. He took one out of the lot and showed it to me, it had my name on it. He then asked me why I don't play ball on the right side of the fence. He said you know you can't play ball with that outfit and win. I told him I did not know what he was talking about. He also asked me if I knew how many men Balint had signed up. I said I didn't even know him. I then asked if I could go back and get my working clothes. He said he would send a policeman back for them. When he came back all he had was my working shoes. He then said that was all their was in my locker. There was a pair of overhalls, pants, shirt, cap, and gloves missing. Also my receipt for my membership card was missing. I asked who had them and he said so about. He then took me to the was going to swear out a warrant. He said go ahead. He then took me to the employment office and had them give me a slip for my money.

The original letter, which the committee obtained from the SWOC, showed a change by erasure of the last half of Mr. Maloney's He testified concerning this as follows:

Senator La Follette. I ask you to look at that letter, Mr. Maloney, and tell me whether the signature at the bottom is your signature?

Mr. JUERGENS. Yes, sir; it is.

Senator LA FOLLETTE. There has been an erasure made there; has there not?

Mr. Juergens. It looks that way; yes, sir.

Senator LA FOLLETTE. Did you make the erasure on that paper?

Mr. JUERGENS. If I remember, I did not-

Senator LA FOLLETTE (interposing). Did you first sign your name some other way and then erase it?

Mr. JUERGENS. I believe that is the way I did. I made a little slip there and

first signed "Walter Juergens."

Senator LA FOLLETTE. And then you erased it and signed "Walter Maloney"?
Mr. JUERGENS. That is right. But Mr. Casey seen that. I handed that to
Mr. Casey with "Walter Juergens" signed here (indicating). And he said, "What
is this?" And I explained to him that Maloney is really my right name, my right father's name, and Juergens is my stepfather's name, and I have been going by "Juergens" almost all my life, and I explained that to him and he helped me erase it and he told me to sign "Maloney." So that is just what I did and he knew at that time that my name was Juergens as well as Maloney.7

<sup>1</sup> Pt. 26, p. 10960. 2 Testimony of Elmer Lohman, pt. 26, pp. 10955-10956. 3 Pt. 26, p. 10969.

<sup>\*</sup>Te. 20, p. 10909.

\*Testimony of Bozo J. Damich and Elmer Lohman, pt. 26, pp. 10971-10972.

\*Alex Balint, SWOC organizer.

\*Pt. 26, exhibit 4542, pp. 11126-11127.

\*Pt. 26, p. 10992.

Walter Juergens, according to the records of the Republic Steel Corporation police department had been employed as a company policeman under Capt. Dewey W. Jones, in Cleveland, on July 7, 1936. About the beginning of August 1936, Juergens, alias Maloney, was employed by Mr. Damich as a temporary organizer for the SWOC, at a salary of \$25 a week.2 At that time he signed a membership card in the SWOC under the name of Walter Maloney.3 Thus Walter Juergens, a member of the company police force became a member of and paid organizer of the SWOC.

This did not last very long, however. In order to establish himself as a worker in the Republic plants, Juergens had to tell a tissue of lies concerning his former employment and dismissals. And in order to keep his place as an organizer he had to continue to lie and submit false membership cards.4 Discrepancies in his stories soon became patent to other organizers and when they investigated they found their suspicions correct.<sup>5</sup> When he was confronted with these lies by Mr. Damich, he promised to clear himself, and then disappeared,<sup>6</sup> showing up finally as a uniformed patrolman for the Republic Steel Corporation.7

Juergens appeared as a witness before the committee and admitted the complete falsity of his accusation against Lohman.

Senator LA FOLLETTE. Did you accuse Mr. Lohman of signing you up as a Steel Workers Organizing Committee union member and then turning your name into the company, as he testified?
Mr. Jubrgens. I did; yes, sir.

Senator LA FOLLETTE. As a matter of fact, had Mr. Lohman signed you up as a Steel Workers Organizing Committee union member?

Mr. Juergens. No, sir; he never did.

Senator La Follette. My question was, why did you accuse Mr. Lohman of having signed you up in the CIO union and then turning your name in to the

Mr. JUERGENS. I thought it was a good way to set myself in with the organiz-

ers like Mr. Damich and Mr. Casey.8

With reference to the sworn statement he addressed to Van Bittner Juergens, after much evasion, finally admitted:

Senator La Follette. You did personally appear before this notary then? Mr. JUERGENS. Oh, yes, sir; I did.

Schator LA Follette. And you knew that she was notarizing this statement, did you not?

Mr. JUERGENS. Yes, sir; I did. Senator La Follette. Now, Mr. Maloney, were any of the statements which appeared in this notarized letter true? Mr. JUERGENS. No, sir; not a one.

Juergens also admitted accepting a salary check from the SWOC, though he claimed he used the proceeds of the check to pay the initiation fees which accompanied the false membership cards he submit-At another point in his testimony, however, he does admit that he may have kept some of the union's money.

¹ Pt. 26, p. 10992.
¹ Testimony of Walter Juergens, pt. 26, p. 10988.
¹ Testimony of Bozo J. Damich, pt. 26, p. 10990.
⁴ Testimony of Walter Juergens, pt. 26, pp. 10990-10997.
¹ Testimony of Alex Balint, pt. 26, pp. 10990-10991.
† Testimony of Bozo J. Damich, pt. 26, p. 10999.
† Testimony of Alex Balint, pt. 26, p. 11000.
† Testimony of Alex Balint, pt. 26, p. 11000.
† Pt. 26, pp. 10998.
† Pt. 26, p. 10994.

Senator LA FOLLETTE. Did you pay back to the union all of the money you

received from it?

Mr. JUERGENS. I am pretty sure. Maybe outside of a dollar or \$2 or something like that. I don't remember just how many cards I turned in, and I turned in every dollar that was with them cards. You can refresh my memory how many cards I signed up; I can tell you.1

At this point it should be stated that Juergen's reputation for honesty

is under the shadow of previous convictions for petty larceny.2

The matter of the false SWOC membership cards submitted by Mr. Juergens is worthy of note. He testified that he turned in about 18 or 20 membership cards during his service as a SWOC organizer. He admitted filling in the names of the "new members" himself.

Senator LA FOLLETTE. You said you turned in some cards. Did you sign those cards or did the persons whose names appeared on them sign them? Mr. Juergens. No sir; I signed them.

He described the source of these names, thus:

Most of the names I got off of the time cards in the clock house, and the addresses of some of them that were listed in the directory, that is where I got their addresses.3

But strangely enough, at least one of the cards he turned in was filled in with the name of Joe Gilmore, another Republic policeman, though the card shows him as an employee in the open hearth department. This was done with knowledge and authorization of Mr. Gilmore. Juergens testified that this was merely a joke, but was unable to remember whether or not he had turned in the names of any other Republic policemen as having made application for membership. It is at least a possibility that Mr. Juergens may have turned in such cards with an eye toward planting other Republic police in the ranks of the SWOC.

When asked why he had expended so much effort to establish himself as an organizer and member of the SWOC, Juergens stated that he did it in an effort to discover who was damaging machinery and other property of the corporation, a great deal of which activity he said was occurring when he joined the Republic Steel Corporation police force.7 He insisted that he did it entirely on his own initiative, never reported on union activities to his superiors, and limited his activities in the union to his spare time, carrying on full time his job as a uniformed patrolman.8 It is difficult to understand how Juergens would have avoided recognition by the SWOC members within the plant if, as he testified, he continued to act as a uniformed patrolman in the steel plant while he was also working as a SWOC organizer. The conclusion must be that he was planted by Republic Steel Corporation as a spy, to obtain the names of union members, through some of the most disgraceful methods appearing anywhere in the committee's record.

The activities of Juergens were by no means the only evidence heard by the committee that in Cleveland, as in Youngstown and Monroe,

<sup>1</sup> Pt. 28, p. 11001. 2 Pt. 26, exhibit 4547, pp. 11128-11129. 3 Pt. 26, p. 10999. 4 Pt. 26, p. 10996. 3 Pt. 28, exhibit 4544, p. 11127. 6 Testimony of Walter Juergens, pt. 26, p. 10997. 7 Pt. 26, p. 10988. 8 Pt. 26, p. 11001.

the police force of the Republic Steel Corporation was engaging in labor espionage. Paul Castman, who joined the SWOC on April 3, 1937, was dismissed by the corporation on April 5, 1937. He obtained an audience with Capt. Dewey W. Jones, in an effort to obtain reemployment. Another member of Republic's police, Sgt. Roy Brown was present throughout the interview. During the interview Captain Jones stated that one of his men was working for the union for \$8 per day and was receiving \$5 per day from Jones.2 Sergeant Brown admitted his presence during the interview and confirmed Castman's version of it.3 When Captain Jones was queried concerning this he could not remember making such a statement and denied having men working in the union.4 He did, however, admit receiving oral reports on labor-union activity:

Senator LA FOLLETTE. Have you ever received any reports on labor activity or the union affiliation of the union or labor attitude of any of the employees in the plants for which you are the responsible police officer?

Mr. Jones. I never received any written reports; no.

Senator La Follette. Have you ever received any oral reports?

Mr. Jones. I have received a few; yes.4

In spite of the committee's subpense, which called for all spy reports in the possession of the company, no such reports were produced, and as a general rule, captains of police denied the receipt of spy reports. Dewey Jones' denial was but a repetition of this line of defense. In his case, however, the committee came into possession of a labor-spy report under curious circumstances. During the committee's hearings in July 1938, Captain Jones took a vacation in North Bay, Canada. Before going away, he purchased a new car in Elwood, Ind., trading his old one in.4 Two employees of the company which sold the new car to Jones found, while cleaning out Jones' former automobile, two pistols, a raincoat, a bronze policeman's badge, and a printed copy of a circular letter of May 11, 1937, which was a statement on labor policy by Republic Steel Corporation, addressed "To Our Employees." The employees of the automobile concern kept the circular letter which "had some handwriting on the back of it which related to some labor matters." When they happened to read that Dewey Jones was under investigation by this committee they forwarded the circular to the committee.

The handwriting on the reverse sides of the printed circular was the report of a labor spy on organizing activities by S.W.O.C. men in the Cleveland Truscon plant of the Republic Steel Corporation. The first part of this report reads:

Brothers—Frank, laborer, John, Pressman at Truscon (Ends of 3 fingers on left hand cut off) in a car canvassed Truscon employees to sign them in C. I. O. Last night they announced meeting of Truscon men after 3:30 shift Friday to be held 71st & Broadway, 3rd floor over bank building at 4 o'clock. Meeting is to decide whether to call a strike at Truscon Monday. Frank said C. I. O. organizers will appear at Truscon plant Friday. Autos will be used to haul Truscon men to meeting after work. Frank said "A fellow bought his way into Truscon Wednesday, worked until noon in press dept. and signed up 35." John said he signed 15 in Griffin's dept. Frank passed out 9 C. I. O. cards for signatures Thursday. Frank's clothes were searched. C. I. O. cards were found. He was laid off.

<sup>&</sup>lt;sup>1</sup> Testimony of Paul Castman, pt. 26, p. 11069, <sup>2</sup> Testimony of Paul Castman, pt. 26, pp. 11070–11072, <sup>3</sup> Testimony of Roy Brown, pt. 26, p. 11071, <sup>4</sup> Testimony of Dewey W. Jones on August 11, 1938, pt. 34, <sup>5</sup> Pt. 34, exhibits 5214 and 5215.

He says he will complain Friday to local labor Board. Frank says the "Hammer" or "Stamp" dept. Truscon is 100% C. I. O.

(All this talk apparently used to "sell" C. I. O. idea to Truscon workers.)

Frank said 25 chippers wearing C. I. O. buttons at Corrigan were fired Wednesday.

Frank knows about a fire hose on 2nd floor in refrigerator dept. Truscon. Truscon seems to be their worry. They boasted Upson is 95% C. I. O. and Corrigan 98%;

Stall & Truscon warehouse workers are well organized. No mention was made of Steel & Tube.

The committee was able to obtain as witnesses the men named in this report as active unionists. Frank Konkowski, the "Frank" of the report, testified to the accuracy of the incidents related in the report, and asserted that he was laid off at about that time. He worked for W. P. A. at the time of the committee's hearings, and had never been rehired by the corporation.

The last two paragraphs of the corporations' statement of labor policy, on the reverse side of which this spy report was written, read:

Republic believes that every employee is entitled to determine for himself, free from discrimination, interference, restraint, coercion and intimidation by anyone, whom he wishes to represent him in the matter of collective bargaining. In view of the foregoing facts, and because of the Wagner Act and recent decision of the United States Supreme Court, Republic Steel Corporation sees no necessity for signing the C. I. O. contract.

The Company is willing to continue to bargain collectively with its employees as in the past. MEMBERSHIP OR NON-MEMBERSHIP IN ANY ORGANIZATION IS NOT A REQUIREMENT OF EMPLOYMENT.

Mr. Jones denied all knowledge of how this report came to be in his car.4

#### SECTION 4. ESPIONAGE IN OTHER REPUBLIC DISTRICTS

In addition to the instances cited in the preceding sections of this chapter, the committee found much evidence indicating that labor espionage by the police of Republic Steel Corporation was a regular practice during 1936-37. It was disclosed by Captain Gilroy, of the Canton-Massillon district, that he had another man doing similar espionage work in anticipation of the 1937 strike.

Senator LA FOLLETTE. Did you or did you not have any undercover work done in anticipation of the strike?

Mr. Gilroy. There was, yes, sir.

Senator LA FOLLETTE. Was that done by the men on the regular police force or

men obtained for that particular purpose?

Mr. GILROY. Mr. Kurchov—he was one of our patrolmen there at the time; came to me along in 1936. He could talk about seven different languages, and he said that he had quite a few contacts, and wanted to know if he could take and use them. He said, "Of course, it is going to cost you some money." I said, "All right." He said, "Well, now, is it necessary that I tell you who they are?" I said, "No; as long as you get us the information."

Senator LA FOLLETTE. What was his name?

Mr. Gilnoy. Frank Kurchov.

Senator LA FOLLETTE. How long did he continue to report to you? Mr. Gilroy. Up until December 1937. Senator LA Follette. What sort of information did you obtain from him?

Mr. GILROY. About talk of the strike.

Senator La Follette. Did you or did you not obtain any information about the activities of the S. W. O. C. from Mr. Kurchov?

<sup>&</sup>lt;sup>1</sup> Pt. 34, exhibit 5218 and testimony of Dewey W. Jones.

<sup>2</sup> Testimony of Frank Konkowski on Aug. 11, 1938, pt. 34.

<sup>3</sup> Pt. 34, exhibit 5212.

Pt. 34, exhibit 5212.
 Testimony of Dewey W. Jones, on August 11, 1938, pt. 34.
 Massillon is located 12 miles from Canton. It has a population of 30,000. Republic Steel Corporation has the same type of plants here as in Youngstown, consisting of byproduct coke ovens. blast furnaces, blooming mill, sheet mills, billet mills, and cold drawn steel plants. The company employs about 4,000. workers in Massilion.

Mr. Gilbor. He no doubt turned some information in along those lines. Senator LA FOLLETTE. Did he make his reports to you in writing?

Mr. Gilroy. No, sir. Senator La Follette. How did he report to you?

Mr. GILROY. Verbally.

Senator La Follerre. What did you do with the information that you received from him?

Mr. Gilroy. I might have mentioned some things to Mr. Meyers who was our

district manager.

Senator La Follette. Did you communicate or did you not communicate the information you received from this undercover man to Mr. Williams?

Mr. Gilroy. No doubt I might have. Senator La Follette. Well, do you remember?

Mr. Gilbox. I have talked to him about some of the things; yes, sir.1

Mr. Kurchov had other men supplying information to him. so successful that he was able to notify Captain Gilroy in advance when the strike would break in Canton, even though the Canton local called the strike on May 26, 1937, 1 day before the S. W. O. C. called the strike in all Republic Steel plants.

Senator La Follette. How did you know that there was going to be a strike

that night?

Mr. Gilroy. Mr. Kurchov called me by telephone and told me he had received word that they were going to put a picket line around the plant that evening.1

In Buffalo, too, there was abundant evidence that labor espionage was conducted by Republic's police.2 Charles Doyle, an organizer for the S. W. O. C. in Buffalo testified that he was followed around during his organizing activities and that the people he had visited on these trips were spotted by the company.3 Doyle later identified the owner and driver of a green car that had been following him as Henry Frears, a sergeant in the Republic police force in the Buffalo When he became aware he was being followed, his followers changed from secret to overt shadowing. Doyle's testimony on this point was confirmed by Sergeant Frears, who testified he followed Doyle pursuant to the instructions of Captain Todd, who was in charge of Republic police in the Buffalo district.

Senator LA FOLLETTE. You have heard Mr. Doyle's testimony that you shadowed him. Is that true? Mr. Frears. That is correct.

Senator LA FOLLETTE. Under whose instructions?

Mr. Frears. Captain Todd's.4

Captain Todd admitted giving such instructions 5 and also testified:

Senator LA FOLLETTE. Did you make any reports to anyone on the results of your investigation?
Mr. Todd. No; I did not make any reports. I talked in regard to it on the

phone occasionally.

Senator La Follette. To whom? Mr. Todd. With Mr. Williams and Mr. Casey.

Additional evidence of labor espionage by company police in the Buffalo district of the Republic Steel Corporation was given to the committee by Frank L. Moore, who in 1933 was transferred from a job in the bar mill in Buffalo to the position of a company policeman.

<sup>&</sup>lt;sup>1</sup> Testimony of Joseph F. Gilroy on August 9, 1938, pt. 32.

<sup>2</sup> Buffalo, N. Y., had a population of 573,000 in 1930. Republic Steel Corporation owns and operates in Buffalo blast furnaces, blooming mills, electric furnaces, a billet mill, bar mills and a die-roll department, employing, in all, approximately 3,000 workers.

<sup>3</sup> Pt. 26, pp. 11066-11057.

<sup>4</sup> Pt. 26, p. 11060.

<sup>5</sup> Testimony of Joseph F. Todd at 25, pp. 11062-11064.

Testimony of George E. Todd, pt. 26, pp. 11063-11064.
 Pt. 26, p. 11068.
 Testimony of Frank L. Moore on August 11, 1938, p. 34.

In 9 months he rose to become a lieutenant first under Captain Wheeler and then his successor, Captain Todd, who took over in Mr. Moore described the duties of a patrolman:

Senator LA FOLLETTE. What were your duties in your position as a patrolman? Mr. Moore. To patrol the plant and get all of the information we possibly could from all employees on anything.
Senator LA FOLLETTE. What kind of information were you instructed to get

from employees?

Mr. Moore. Well, I don't understand what kind of information you would ean. We were instructed to get any kind of information that we thought would be detrimental to the company.

Senator La Follette. And what did that include?

Mr. Moore. That included union activity and such as that, or a man that was not working—a man that was laying down on his job.1

Mr. Moore also shed some light on the methods used by the company police to obtain information on union activity.

Senator LA FOLLETTE. How did you go about getting this information on employees as to their labor activities or affiliations?

Mr. Moore. Well, we would work our way into the confidence of the men, or we would send out someone to hunt up these men that was at the union meetings.

Senator La Follette. What do you mean you "Would send out men to hunt up these men that had been in union meetings"?

Mr. Moore. We would go out to these union meetings.

Senator LA FOLLETTE. How could members of the police force, who were well known to the employees, get into a union meeting?

Mr. Moore. Well, it is an open meeting; all open meetings.

Senator LA FOLLETTE. Did you obtain any information on what went on at the closed meetings of the union while you were in Buffalo with Republic?

Mr. MOORE. Well, I never got any information but we had men out to get it.

Senator LA FOLLETTE. And how did they get it, if you know?

Mr. Moore. Well, the one man I know was a good friend of one of the presidents, and he run around with him. That is the way he got it, into the closed meetings.

Senator LA FOLLETTE. You said he was president. What was he president of?

Mr. Moore. President of one of the locals.1

A number of the Buffalo Republic police assigned to outside work were named by Mr. Moore.1 He also testified that espionage was carried on inside the plant by means of gaining the confidence of the men, tapping telephone wires, and reading all mail lying around. Finally he testified that a record was kept in the police department of men active in unions, and strikers; that applications for employment were checked against this record; and that applicants had to be approved by the police department. When Captain Todd was asked to comment on Mr. Moore's testimony he specifically denied knowledge of any wire tapping.2 He admitted the checking by the police department of employment applications but claimed it was only to keep out Communists; and sought to discredit the balance of Mr. Moore's testimony, without denying it, by stating that he was a disgruntled employee dismissed because of marital irregularities.

In the Warren district, too, as the testimony of the captain, Millard Hannan, evidenced, there was widespread labor espionage. Captain Hannan admitted that he had given information concerning meetings and activities of labor unions in his area to Superintendent Williams. Such information, he testified, came from two sources: Union mem-

Testimony of Frank L. Moore, on August 11, 1938, pt. 34.
 Testimony of George E. Todd on August 11, 1938, pt. 34.
 Pt. 28, pp. 11064-11066.

<sup>4</sup> Testimony of Millard Hannan on August 6, 1938, pt. 31.

bers whom he contacted, and members of his own police force who were assigned to outside investigational duty. Mr. Hannan denied paying his informants for the information they gave, but admitted lending money which was never repaid to some of them. Concerning his own policemen engaged in outside work, he stated that at times in 1936, long before the strike, he had as many as 10 or 12 so detailed.1

The committee found in the vouchers covering expenses incurred by members of the corporation's police department a large amount of additional evidence showing that labor espionage was a regular function of the company police. In addition to vouchers submitted by Captains Gilroy, Jones, Butler, and Torbic, covering expenses incurred in labor espionage, Superintendent Williams himself submitted one voucher dated July 22, 1936, covering an expense of \$50.46 which bears the explanation:

Special expenses in connection with investigation of C. I. O. activities (included two round trips to Youngstown, Ohio, from Cleveland and considerable driving around Cleveland vicinity.\*

Mr. Williams filed blank expense accounts during May, June, July, and August 1936, totaling \$2,707.25.4 He testified as follows concerning these vouchers:

Senator LA FOLLETTE. Mr. Williams, I show you four vouchers out of the group of vouchers, exhibit 4489. They start on May 29, June 30, July 31, and September 1, and they are amounts around \$455 or a little more per month.

Mr. Williams. [examining.] Senator La Follette. Did you pay ally money out of those vouchers for Information or for under-cover work?

Mr. WILLIAMS. No doubt I did; yes.

Mr. Williams thus admitted that his blind expense vouchers covered expenditures for labor espionage. Expenditures made by Captain Gilroy, covering the costs of the labor-spy operations of Sodders and Ray, and by Captain Torbic, for labor espionage in Monroe, were also covered by blind vouchers. No alternative explanation of the use of blind vouchers was offered in response to inquiries by the committee. It seems safe therefore to infer that the main use of blind expense vouchers was for payment of the cost of labor espionage. In addition to the specific vouchers mentioned above, others were filed by police officials of the Republic Steel Corporation, indicating labor espionage. D. E. Heib, captain of Republic police in the Chicago district, filed several such vouchers. One, dated August 8, 1936, shows a mileage expenditure of \$31.60, explained, "Making necessary investigations on C. I. O. drive in Chicago district." Another, dated July 25, 1936, for \$66, bore the explanation, "Three men investigating labor situations." IT This is in addition to the expenditures on his vouchers totalling \$9,831.79, which bear the cryptic explanations, "Making necessary investigations."

#### SECTION 5. THE LABOR-SPY RING AMONG STEEL COMPANIES

Republic Steel Corporation is a far-flung organization with mills and mines spreading over several States.8 In response to its sub-

¹ Testimony of Millard Hannan on August 6, 1938, pt. 31.
¹ Pt. 25, exhibit 4490, pp. 10797-10803.
² Pt. 25, p. 10455.
⁴ Pt. 25, exhibit 4490, p. 10801.
♣ See ch. 5, p. 151.
♣ Supplementary exhibits, hearings on Republic Steel Corporation, exhibit 7376.
² Pt. 23, exhibit 4299, facing p. 9834.

penas the committee was given certain ditteed reports containing information concerning the labor situation, prepared and circulated by the office of the superintendent of the corporation's police. These reports, however, carried reprints of clippings from newspapers relating to labor organization activities, and contained no information which on their face appeared to have been obtained through spies.

Senator LA FOLLETTE. All that have been turned over to the committee, Mr. Williams, in response to this portion of the subpena to which I have referred, are newspaper clippings. Was that all that you found in your files?

Mr. WILLIAMS. No, sir; the files were turned over to the legal department.

Senator LA FOLLETTE. Did you find any reports on union activities?

Mr. WILLIAMS. No; we did not have any.1

The news reports were typed and dittoed on machines in Mr. Williams' office by his clerk, Frank Casey.2 Mr. Casey testified, concerning the source of material in these reports:

Senator La Follette. What type of material are they usually prepared from? Mr. Casey. The majority of them are prepared from the newspaper articles that we receive from the various districts that we want to distribute for general

Senator LA-FOLLETTE. Do you recall ever having utilized this typing ditto machine for the preparation of papers or material relating to labor union meetings

or activities?

Mr. Casey. Undoubtedly, sir, there has been information come to our attention there that came in by phone, some little memorandum that there had been a meeting held and a big crowd attended. There might have been an opening meeting of some sort. What the details would have been, I would not remember now, They were undoubtedly prepared and distributed.2

None of the dittoed reports obtained by the committee from the files of the police department of Republic Steel Corporation were labor-spy reports. However, in the committee's files there was a group of similar dittoed reports, which had been obtained under suppena a year earlier from the files of the National Metal Trades Association of Chicago, Ill. This association supplies strikebreaking and espionage services to its members. The dittoed reports obtained by the committee from the association were clearly spy reports. It was noted that the type and general appearance of the second group of reports resembled those obtained from Republic Steel Corporation. These two groups of reports received by the committee, one set from Republic Steel Corporation and the other set from the National Metal Trades Association, were submitted to the technical laboratories of the Federal Bureau of Investigation for scientific comparison. The director of the Bureau, J. Edgar Hoover, reported to the committee that the specimens submitted for comparison were prepared on the same two typewriters and that all of the paper originated from the same source.3

When Superintendent Williams and his office assistant, Mr. Casey, were shown several of the dittoed reports obtained from the National Metal Trades Association's files, they admitted having seen them before, and Casey even testified concerning several of them: "It looks like some of the work that I have done there, sir."

<sup>1</sup> Pt. 25, p. 10461.

<sup>Testimony of Frank Casay, pt. 25, p. 10463.
Pt. 25, p. 10376, exhibit 4509.
Testimony of Frank Casey and James L. Williams, pt. 25, pp. 10463-10468.
Testimony of Frank Casey, pt. 25, p. 10463.</sup> 

Superintendent Williams testified concerning his part in the preparation of such reports:

Senator La Follette. We were furnished considerable data that had to do with 1936, but none of these espionage reports. Did you have any practice, or did you not, with regard to espionage reports so far as the filing of copies of them or the originals was concerned, which you received in writing?

Mr. Williams. There were very few of those reports we received in writing.

Most of them were orally.

Senator LA FOLLETTE. Then, in the case of these reports, your testimony is that generally you received the information contained in these reports orally. Did you then dictate the memoranda to someone who made up the written ditto reports?

Mr. WILLIAMS. Either that, or take notes, and they were drawn up that way. As to attendance and dues collected, and that sort of thing, we may have just

taken notes and then written up the reports that way.1

The contents of these reports clearly reveal the nature and purpose of the espionage activities of Republic Steel Corporation police. Several were full reports of union meetings.2 One of these dated Chicago, Ill., July 5, 1936, is headed "Confidential, Handle with Care" and begins:

A closed meeting of 60 steel workers from the different steel plants in the Calumet district was held in Parlor "?" Morrison Hotel, Chicago, from 11:00 o'clock this meeting to 2:00 o'clock this afternoon. Van A. Bittner, Director of the Chicago area for the Steel Workers' Organizance Constitutes, and Leo Krazycki, [sic] International Vice President of the Amalgamated Clothing Workers and an associate member of the Committee, were the only speakers.3

It goes on to repeat in detail the speeches made by Bittner and Krazycki (sic); names 14 of the men present; and contains, ironically, the following indication of the union's desire for secrecy as to the people attending:

Although it was stated that Bittner would give an account of the meeting to the press, only a brief generalized statement was given out. Those attending the meeting were not identified and nothing was said about the purpose of the meeting.4

The report ends with the following additional information concerning organizing activity by the SWOC:

I am informed that a temporary office will be opened in the Hotel Gary this

week and a special telephone installed.

A negro organizer from the Miners' Union came to Gary last Thursday and is working among the negroes on the South Side, directing his efforts to organizing the negroes at the coke plant. I am told he is seeking particularly to get some well known employee there and put him on as a full-time organizer and permit him to continue working and organizing the men until he is let out. Then he will come out in the open as a regular organizer. I am told that he has Mike Ostrowski in view as a desired contact. But it was not possible to learn if the contact had been completed.

Another of the reports on union meetings reads:

Meeting of Operating Engineers & Firemen, #141, Canton, Ohio, 7/13/36.

Wagner presiding, 9 present.

Regular order of business suspended on account of the weather.

No communications.

Zaugg gave a brief report on Canton Federation of Labor meeting, stating that no delegate could be given the floor, or have a voice in C. F. L. meetings unless the per capita tax of his lodge was paid.

Order drawn paying tax up to July 1, 1936.

<sup>1</sup> Pt. 28, p. 10880. 2 Pt. 25, exhibits 4498-4499, 4503, 4505, and 4508, pp. 10860-10861, 10865, and 10808. 3 Pt. 25, exhibit 4603, p. 10863. 4 Pt. 25, exhibit 4603, p. 10864.

Also paid \$4.00 hall rent, owe \$2.00. Communication received from International Lodge to the effect that if any of the members participate in the drive being put on by John L. Lewis, they are to be kicked out of the union at once.1

This spy report was extraordinary for it contained a far fuller and detailed report of the meeting than did the official minutes of the recording secretary of the local for July 13, 1936, which, as certified to the committee, read as follows:

July 13–36.			1
Regular meeting Local 141.			
Reading of minutes & approved.			
R M & S Per capita tax for 5 mo. be paid to Canton body, \$4.50.			
Letter to Pub board of Labor Bulletin from 15 to 9 copies.			
Paper Fund			17
Receipts	22	١,	<b>50</b>
Exp Hall	1	1 1	00
Per capita to CLU	4		
	···		
	3 9		

Generally these dittoed spy reports from Republic Steel Corporation's police department also dealt with activities of organizer, officers, or leaders of the unions.3 Two of these were copies of instructions issued by SWOC headquarters to its staff members and organizers in the field. One of these begins as follows:

PITTSBURGH, PA.

Special—Confidential

The following directives are sent to all staff members and organizers from the C. I. O. office and are self-explanatory.

Securing data relative to discharges for union activities.<sup>5</sup>

Another of these reports on the activities of union organizers reads:

July 13, 1936. On Sunday afternoon at 4:00 p. m. July 12, 1936, Mr. Favorito is supposed to have attended a meeting on Broadway where about 1,500 men from the Republic Steel (McKinney Plant) were to be present to join the Union. A list containing about 1,500 names, all members of the Republic Plant was seen and Mr. Favorito is supposed to make a visit to each of their homes and talk to them about the Union.

The following men are employees of the Republic Steel Co. and are members of the Cleveland Lodge No. 187:

Manuel Garcia, 4419 Broadway Lawrence S. Barkebite, 15215 St. Clair; Geo. Guitin, 18209 Nottingham Road; John Exall, 1516 East 47th Street; Frank Bottna, 6816 Kinsman Road;

Geo. Troyan., 1721 Clark Avenue; Anthony M. Matchusic, 3391 East 65th Street; Ulysses Maistron, 4434 Douse Avenue.

Mr. Elmer G. Lohman 7403 Manhattan Avenue and Alex Balint, 9008 Cumberland Avenue, both employees of the Republic Steel Co. are acting as organizers for the men and according to these men, they have been layed off work due to their Union activities.6

It is noteworthy that the first proposed findings of the National Labor Relations Board with respect to George Troyanovich,7 who was dismissed by Republic Steel Corporation on August 27, 1936, were:

¹ Pt. 25, exhibit 4510, p. 10878.
² Pt. 25, exhibit 4512, p. 10878.
² Pt. 25, pp. 10861, 10864, and 10868, exhibits 4500, 4504, and 4508.
² Pt. 25, pp. 10864 and 10868, exhibits 4504 and 4508.
² Pt. 25, exhibit 4504, p. 10864.
² Pt. 25, exhibit 4500, pp. 10861-10864.
² The spelling "George Troyan" in exhibit 4500 is an abbreviation.

Upon the evidence in this case, we find that Troyanovich was discharged because of his membership in the Union.1

And with respect to John Exall, who was dismissed by Republic Steel Corporation on January 14, 1937, the National Labor Relations Board found:

Upon the entire record we find that Exall was discharged because of his membership in the Union.2

A third man, Manuel Garcia, who was dismissed on August 30, 1936, stated in an affidavit:

About the middle of August 1936 one of the Foremen in the Chipping Department called me aside and told me to watch out about this Union business or I would be fired.

On or about August 30, 1936, I was fired. The excuse given me was that I had made scrap while chipping, but that is not so.3

A third type of information contained in the dittoed reports prepared in Superintendent Williams' office were careful descriptions of union organizers and active union members. These were almost like police dossiers. A sample of this type of report describes Vincent Favorito in the following words:

JULY 14, 1936.

Favorito, Vincent

Born April 22nd, 1905, Steubenville, Ohio.

Italian.

Height-5' 41/1'.

Weight-110 or 120 pounds.

Dark complexion, dark hair, brown eyes, chaplin mustache.

Identification marks—Visible scar on right cheek.

Hired by Otis Steel Co. April 14, 1928, worked until July 9, 1936, when a 60 day leave of absence was asked for and granted.

Married, has one child.

Brother, Ben Favorito and three brother-in-laws, Paul Ciacchi, Pat Alvino and Jack Ferline all employed in the Blanking Department of the Otis Steel Company. Very much interested in Union and now active in organizing steel workers under direction of Organizers affiliated with the Committee for Industrial Organization.6

Favorito was one of the men who was constantly shadowed by Republic policemen, and on one occasion was severely beaten by them.

Some of these reports were marked "A," others were marked "X-A," and still others were marked "OS-A," on the upper left-hand corner. When questioned concerning the meaning of these markings, Mr. Williams and Mr. Casey contradicted each other.8 Mr. Casey, the clerk, who actually prepared the reports, testified concerning the meaning of "X" and "A":

Those with the "A" usually were sent to our police captains, and those with "A" and "X", they might interest Mr. Voss' Department or Mr. Richards' or various other officers of the corporation outside of the police department.10

Mr. Williams did not contradict Mr. Casey concerning the report marked "X-A." Shortly afterward, Mr. Casey again asserted "A" denoted distribution to men in the police department, while Mr.

<sup>&</sup>lt;sup>1</sup> Pt. 25. exhibit 4485, p. 10745.

Pt. 25, exhibit 4485, p. 10748.

Pt. 26, exhibit 4485, p. 11099.

Pt. 25, exhibits 4502, 4507, and 4508, p. 10862, and pp. 10868 ff.

Pt. 25, exhibits 4502, 4507, and 4508, p. 10862, p. 10867, and pp. 10868 ff.

Pt. 25, exhibit 4506, p. 10867.
 See p. 193.
 Testimony of Frank Casey and James L. Williams, pt. 25, pp. 10464-10469; and testimony of James L

Williams, pt. 26, p. 10881

E. M. Richards, assistant to Vice President Charles M. White.

Pt. 25, p. 10464.

Williams inferred he had no knowledge of the meaning of the "A" though admitting Casey might be right. And when Mr. Casey was queried on the point a third time, he testified:

Mr. CASEY. "X" stands for our people. That is the way I have always marked our people-with the "X."

Senator LA FOLLETTE. What does the "A" stand for?

Mr. CASEY. Wait a moment—I have got that reversed there. In fact, we haven't sent out any of these for a long time, and that is the reason I am a little bit in doubt about that. But one of them stood for our own people, and when there were both on there we sent it around. Perhaps it might have interested Mr. Highland out in Chicago, the district manager out there. I might have sent him a copy, I couldn't say.2

Although somewhat confused, Mr. Casey finally stood by the claim that "A" indicated distribution to police-department officials, and "X" indicated distribution to corporation officials.

When Mr. Williams returned to the stand on July 27, 1938, he

finally confirmed Mr. Casey on the meaning of "A."

Senator LA FOLLETTE. And to whom was it sent?

Mr. WILLIAMS. It was sent to my captains of the various districts. Senator La Follette. Is that what the "A" stands for? Mr. WILLIAMS. Yes, sir; however I didn't know that the other day.

With respect to the meaning of "X" Mr. Williams at another point stated it meant that the information was gotten from the Youngstown Sheet and Tube Company, but finally testified:

Senator LA FOLLETTE. What did the "X" stand for?

Mr. Williams. I really don't know. As I say, the "X" in all probability stood for Sheet & Tube at that time.

Senator La Follette. If you really do not know, then should we take Mr.

Casey's testimony?

Mr. WILLIAMS. As far as the "X" signifying that this report went to our executives?

Senator LA FOLLETTE. Yes.

Mr. WILLIAMS. No. He mentioned, if I am not mistaken, Mr. Voss and Mr. Richards.

Senator LA FOLLETTE. Yes.

Mr. WILLIAMS. I would not term either one of those fellows our executives. Senator LA FOLLETTE. He also mentioned that it signified that it went to the

district men.
Mr. Williams. That may be true; yes. In all probability it was. Our district managers no doubt did know.4

The meaning of "OS" he also described:

I can now, Senator, after checking back, after testifying the other day what that "OS" signified and this "A." We received that report from the Otis Steel.

Summarizing all this testimony it appears that some reports, those marked "A" went to police department officials only, and those marked "X-A" went to corporation officials and district managers, as well as police captains.

The distribution of dittoed spy reports on labor prepared by the Republic police department was by no means limited to the employees and officials of the corporation. The fact that copies were found by the committee in the files of an employers' association, the National Metal Trades Association, is proof of the fact that the dittoed spy

Pt. 25, pp. 10465-10466. Pt. 25, p. 10466. Pt. 26, p. 10882.

<sup>4</sup> Pt. 26, pp. 10886-10887.

reports were widely circulated. Mr. Williams explained the meaning of "OS" as indicating the receipt of labor espionage data from the Otis Steel Co., with the head of whose company police he occasionally exchanged labor spy information. When questioned further about this matter, he gave the following startling testimony:

Senator LA Follette. Did you receive other information of a similar character; that is, labor-espionage reports from the head of the police in Otis Steel?

Mr. Williams. I think so; yes; for a short period we received information from Rupp.

Senator LA FOLLETTE. Did you give them information?

Mr. WILLIAMS. Yes.

Senator LA FOLLETTE. Who originated the practice of exchanging information with the Otis Steel?

Mr. WILLIAMS. I called on Rupp or he called on me, I don't know which way.

One way or the other.

Senator LA FOLLETTE. Did you have similar arrangements with any other

Mr. WILLIAMS. Naturally, I talked to various people in other steel companies. Senator La Follette. What other steel companies did you have arrangements with for the exchange of information?

Mr. WILLIAMS. I have talked to Sheet & Tube, I have talked to Jones & Laughlin, and I talked to Weirton.

Senator LA FOLLETTE. Any others?

Mr. WILLIAMS. I have talked to Davis of the United States Steel, Brier Hill. But that might cover anything. It might be that we were checking on some that were applying for work. It might be one of many things.

Senator LA FOLLETTE. What I am asking you about now is the exchange of

information of this espionage or under-cover nature concerning union activities.

Mr. WILLIAMS. Yes; we have exchanged notes on that. Senator LA FOLLETTE. With all of the companies you have just named?

Mr. WILLIAMS. Yes.

Senator La Follette. Have you exchanged it with any others?

Mr. Williams. No major steel concerns; no. The Ohio Brass Co. at Barberton.

Their home office, incidentally, is at Mansfield. Maybe the Ohio Seamless at Shelby.1

The individual in each of the companies mentioned above with whom Superintendent Williams exchanged information was a supervisory member of the police force of that company. In the Otis Steel Co. it was "Rupp, who was in charge of the police department." 2 Youngstown Sheet & Tube Co. it was James M. Woltz, supervisor of police in the Youngstown district of the corporation. At Jones & Laughlin it was H. G. Mauk, superintendent of police. At Weirton Steel is was Ed Walsh, superintendent of police. At United States Steel it was a Mr. Davis, in charge of the company police department at that time.<sup>5</sup> James M. Woltz, supervisor of police for the Youngstown district of the Youngstown Sheet & Tube Co., after first denying it, confirmed the testimony of Mr. Williams on this point, of exchange of spy reports:

Senator LA FOLLETTE. What became of these reports when you typed them up?

Mr. WOLTZ. There was copies of them sent to the general superintendent, with whom I make direct contact, and I sent copies of those to Mr. Williams and copies to the American Steel & Wire at Cleveland.

Pt. 26, pp. 10884-10885.
 Pt. 26, p. 10882.
 Testimony of James M. Woltz, pt. 27, p. 11182.
 Testimony of James L. Williams, pt. 26, p. 10885.
 Testimony of James L. Williams, pt. 25, p. 10463

Senator La Follette. Did you receive reports from Mr. Williams? Mr. WOLTZ. Yes, sir.1

He also informed the committee that he exchanged labor spy reports with the American Steel & Wire Co., and the Illinois Steel Co.

From the testimony cited above it may be inferred that in nearly all the other large steel companies, as in Republic, the company police had as one of their functions the obtaining of information on the activities of the workers in the steel industry in connection with their efforts at self-organization for purposes of collective bargaining.2 And it also appears that while these companies may have been competing with each other in the production and sales fields, they forgot their differences and pooled their knowledge when it became a question of obtaining undercover information concerning the efforts of their employees to achieve self-organization for collective bargaining.3

<sup>&</sup>lt;sup>1</sup> Pt. 27, p. 11190.

<sup>2</sup> Testimony of James M. Woltz, admitting that he had men on his pay roll carrying on labor espionage and that he exchanged their reports with Superintendent Williams, pt. 27, p. 11190.

<sup>3</sup> The Republic police department had still a third string to its espionage bow—the exchange of information with private labor espionage agencies. Mr. Williams testified that he had had occasional meetings with E. E. MacGuffin, president of National Corporation Service, luc., a labor spy agency with an office in Youngstown, and had exchanged notes with him. A. E. Lawson, former secretary of National Corporation Service, testified that "whenever we had anything that we thought would interest him (Williams), it was sent down to him by one of our solicitors" (pt. 25, p. 10460). Williams admitted "it is true that I may have exchanged notes with MacGuffin at that time" (pt. 25, p. 10461).

## CHAPTER IX. "ROUGH SHADOWING" AND INTIMIDATION BY REPUBLIC Police, 1936-37

During the Berger strike of 1935, Republic police sallied forth into the city of Canton attacking with ferocity employees, nonemployees, strikers, pickets, bystanders, women, and children, with the same impartiality and lack of discrimination as the attacks on defenseless civilians in contemporary warfare.1 During and following this brief interlude of industrial strife, the company's police infested the labor unions with spies, some of whom acted in the role of organizers and union officials. These methods, however, did not exhaust the corporation's techniques in persecuting labor unions. Another practice used by Republic police to intimidate union organizers and members and to prevent effective organizing work, was what is known as "rough shadowing." This method is reminiscent of Aliquippa in Mr. Girdler's time, and of Harlan County, under the uncurbed sway of Bassham, Unthank, and Middleton. "Rough shadowing" is the practice of keeping a union organizer or a union leader under open surveillance in such fashion that he knows that he is being followed. The objective of this practice is to intimidate union organizers and union leaders, and to create fear in the minds of union members or prospective members whom the organizer or leader may undertake to visit or with whom he may talk. When carried out persistently, this surveillance is pursued 24 hours a day, covering every activity of the person watched. Sometimes this surveillance develops into actual physical intimidation.

These practices were followed as a regular part of Republic's police department's functions. When the organizing efforts of the Steel Workers' Organizing Committee took greater momentum after June 1936, the efforts of Republic police in this line increased in intensity.

# SECTION 1. "ROUGH SHADOWING" IN YOUNGSTOWN, OHIO

In June 1936, the Steel Workers' Organizing Committee sent a group of organizers, headed by Frank M. Shiffka, to Youngstown, Ohio, to set up an office and a staff of local organizers. These men registered in the Youngstown Hotel on June 20, 1936.2 On the following day, Mr. Shiffka was informed by members of the hotel staff that a man who had given his name as William Taylor had registered at the hotel and had asked to be placed either in the room next to Mr. Shiffka's, or on the same floor.2 This "Mr. Taylor" was finally identified by Capt. Earl Butler, of the Republic police in Youngstown, as George Snyder, one of his subordinates: 3

<sup>See ch. VI, pp. 126 ff.
Testimony of Frank M. Shiffka, pt. 26, p. 11015.
Pt. 26, p. 11016. This episode is similar to the experience of William Turnblazer in Пагlan County.
See pp. 71-72.</sup> 

Senator LA FOLLETTE. Did you have a man registered at the Youngstown Hotel on or about June 20?

Mr. Butler. I think I did.

Senator LA FOLLETTE. What was his name? Mr. Butler. I don't recall right now.1

Senator La Follette. Now, I call your attention to this exhibit and show you the name George Taylor, with the address of the Ohio Hotel, and ask you, Mr. Butler, if that helps you to refresh your recollection any as to who Taylor was?

Mr. Butler. Taylor was Mr. Snyder [Laughter].2

And Mr. Snyder himself testified:

Senator LA FOLLETTE. You have heard the testimony given here this morning, have you not?

Mr. Snyder. Yes, sir.

Senator La Follette. Have you any comment to make on it? Mr. Snyder. Other than I did register in the hotel. The reason I used an assumed name was because I knew who I was dealing with.

Mr. Shiffka testified that "William Taylor," accompanied by another man, followed him thereafter in an auto everywhere he went. Company police vouchers showing expenditures for the hotel room also bore expenses for auto mileage. Mr. Butler admitted that both the hotel and the mileage expenses were incurred by George Snyder.\* Mr. Snyder did not deny that he had "rough shadowed" Shiffka.

When the SWOC opened an office in Youngstown in the beginning of July 1936, "rough shadowing" continued, this time directed against

organizers and workers who frequented the office:

Senator LA FOLLETTE. Did you or did you not notice that this office was under surveillance at that time?

Mr. Shiffka. It was; not only with the gentlemen sitting around in the cars but they set pickets around this office watching the men going in and out, both on Federal and Mahoning Avenue.

Senator LA Follette. Now, you say that they had men posted there. Did

they have the same man there most of the time or other men?

Mr. Shiffka. Several days at a time they would have the same man, but they had several men on Federal Street, on Mahoning, and at the Pennsylvania Railroad station sitting up on those rails where they could look right into our headquarters, and it was pointed out to them by one of those representatives—I think they gave me his name as Dave Rosser, who did most of the shadowing on foot.

Even the homes of the organizers were not free of shadowers. One of the organizers, John Steuben, whose home was kept under surveillance, was forced to move and to change his name, but was only temporarily successful in evading the company police. He described the surveillance of the company police as follows:

When we started our organizing campaign it was practically impossible to carry on any activity at the headquarters of our union. It was necessary to use our homes as secret places where workers would be able to gather for the purpose of discussing the organizational problems. I lived at that time on the West Side, and about a week after I became a member of the staff several carloads of Republic stoolpigeons were parking at my house. They were there from 7 o'clock in the morning until about midnight, and then they had a special crew on some occasions that remained there overnight. I realized that my home cannot

Pt. 26, p. 11016, Pt. 26, p. 11023. Pt. 26, p. 11024. Pt. 26, p. 11017. Pt. 26, p. 11025.

be used any more as a place where workers can be invited to come to talk about labor questions, so I had to move out of there. I also knew if I moved out of that place under my own name they would discover it just as soon. So I moved into another apartment under a different name, under "Stevens", and I was there about 2 weeks and these same people that were shadowing me before discovered the home where I lived and I had to move again, and from "Stevens" I stretched it to "Stevenson", and that is how I used that alias of "Stevenson" in order to make sure that my home will not be discovered.

Geoffrey E. Burke, at whose home Mr. Shiffka boarded from July 9, 1936 until he left Youngstown at the end of the year, was first skeptical about the existence of rough shadowing, but was convinced by his own experiences:

And we noticed as soon as Mr. Shiffka came that there were three or four strange cars always at the house at first, and then around the corner, and for a while when any of us would leave—I could not believe at first that we were being followed, because I did not think it was anybody's business what we did. But I left the house to test out what they told me, although I was seeing the cars there and saw them following the men as they left the house; but when they followed me, to find out for certain whether or not that they were following me, I went down Fifth Avenue and turned into Madison, and came back in through an alley, making a complete city block. I covered that block three times with this car behind me. Then I went down Madison to a corner gasoline station to be absolutely certain that they were following me, and I made a circle of the gasoline station and came back and the car was still behind me, so I stopped and got out and went back to the car and wanted to know what kind of business this was.3

Mr. Burke recognized the man in the car as a company policeman, but the latter simply sat mutely in his car when questioned. Because of the openness of the surveillance the organizers were able to note the license numbers of the cars that followed them. Mr. Shiffka testified that in every case the automobile used was owned by one of Captain

Butler's company police or by a member of his family.

On July 24, 1936, Mr. Steuben's wife came to the S. W. O. C. office to apply for a job. When she left, she was followed by two of the "rough shadowers." She called the Youngstown city police and had them arrested.6 The men gave their names as George Taylor and Ben Harris. They were immediately released by Police Chief Carl Olson because "rough shadowing," with its resultant intimidation, did not constitute a crime. There is no law restricting it and hence it was not subject to regulation by public officials. Captain Butler informed the committee that George Taylor and Ben Harris were George Snyder and Ben Myers, both members of his company police force, and that both were acting under his orders when arrested.6

The effect of constant "rough shadowing" was to make the work of organization difficult. The knowledge that organizers always were accompanied by company police frightened prospective union members and made the organizers themselves wary about approaching

and conferring with members and would-be members.

When the committee sought to ascertain the source of instructions for "rough shadowing," it was met by evasive testimony from the

<sup>1</sup> Pt. 26, p. 10924.
2 Pt. 26, 11020.
3 Pt. 26, pp. 11021-11022.
4 Pt. 26, pp. 11022.
4 Pt. 26, pp. 11028-11019.
5 Pt. 26, pp. 11023,
7 Pt. 26, exhibit 4587, p. 11136.

men who had engaged in the practice. But Captain Butler finally admitted the constant following of union organizers:

Senator La Follette. As I understand it, these men were keeping these union organizers under surveillance at your direction, and they were reporting to you? Mr. Butler. That is right.2

In an attempt to deny that his men ever interfered with organizers, Captain Butler stated that:

I had instructed them that they not interfere with anyone, so that nobody could say that there was any interference. We might have drove along the street in back of them. But we never got in front of them. They could go where they wanted.3

As the S. W. O. C. organizing campaign grew in intensity and scope, Captain Butler found his force insufficient to take care of the normal duties in the plant and at the same time, to "rough shadow" an increasing number of organizers. Between June and December 1936the first 6 months of the organizing campaign—the regular Republic police force at Youngstown was gradually increased from 40 to 57.4 According to Captain Butler, the explanation of this increase was simple:

Senator La Follette. Why were you putting them on then?
Mr. Butler. Well, in 1936, I started to take some men out of the mill to do that tailing, and they had to be replaced.

It should be noted, in connection with this increase of "rough shadowing" in Youngstown, that an effort was made by Republic officials to induce the police department of the Youngstown Sheet and Tube Co. to share the cost of such activities and cooperate with Republic in the conduct of labor espionage and "rough shadowing." Mr. Woltz, supervisor of police of Youngstown Sheet and Tube Co., testified that he was summoned to a conference with C. H. Elliott, assistant to the vice president in charge of operations of Republic Steel Corporation, concerning this plan. He described the substance of the conference as follows:

Senator LA FOLLETTE. What was the project or program that was suggested at this meeting you had with the Republic officials?

Mr. Woltz. It was just generally outlined; there was no detail.

Senator LA FOLLETTE. Give me the general outline?

Mr. Woltz. The general outlines were that they should proceed with the following of the expensions and been in touch with their activities.

following of the organizers and keep in touch with their activities.

The Youngstown Sheet and Tube Co. refused to share the cost,7 and Republic continued to finance its espionage and "rough shadowing" by itself.

<sup>1</sup> Testimony of George Snyder and Benjamin F. Myers, pt. 26, pp. 11024-11025.
2 Pt. 26, p. 11035.
3 Pt. 26, p. 11034.
4 Pt. 29, exhibit 4736.
5 Pt. 29, p. 11825.
6 Pt. 27, p. 11183.
7 Testimony of William B. Gillies and James M. Woltz, pt. 27, pp. 11182-11183.

<sup>7</sup> Testimony of William B. Gillies and James M. Woltz, pt. 27, pp. 11182-11183.

# SECTION 2. "ROUGH SHADOWING" IN CANTON, OHIO

In Canton, too, S. W. O. C. organizers found Republic police to be their most constant and open followers. Howard Porter, an organizer assigned to Canton between July 21, 1936, and February 1937, was subjected to "rough shadowing" soon after his arrival:

Senator LA FOLLETTE. In the course of your work as a Steel Workers' Organizing Committee organizer in 1936 and 1937, did you personally observe any surveillance on the part of union organizers by Republic Steel police or undercover

Mr. Porter. Yes, sir.

Senator La Follette. Describe exactly what you saw or know of your own

knowledge in this respect.

Mr. PORTER. Within about 5 days after reaching Canton I was followed constantly. They would follow me when I would leave the hotel, go out to breakfast or lunch or dinner. If I went out and got my car they would follow me there. In fact, they followed me all the time I was in Canton and Massillon.1

Like Mrs. Steuben and others in Youngstown, he sought to end this pursuit by appealing to the public police. He complained to the sheriff's office, where he was informed that action could be taken by the sheriff only in county territory outside the city limits. tember Mr. Porter had occasion to drive out of the city limits, and was followed by two of his shadowers. Stopping at a gasoline station, he telephoned to the sheriff's office and to his S. W. O. C. office. Soon two deputies and several organizers arrived.<sup>2</sup> The deputies arrested the shadowers and took them to the county jail. Both refused to state their names or business but after being kept in jail for a half hour, they informed the deputy sheriff in charge that "they were police officers of the Republic Steel Corporation with the Union Drawn Steel Co. at Massillon, Ohio" and that "this was part of their regular duties." 4 When the organizers failed to file charges because there was no law to cover the prisoners' activities, Walter Paul Koellner, deputy sheriff, released the prisoners. The names of the men arrested and released were Murice R. Long and Harold McCallister and both were members of the Republic Steel Corporation police force in Canton.

When Captain Gilroy, in charge of Republic's company police in the Canton-Massillon district during the SWOC drive, was asked whether Long and McCallister were following Mr. Porter pursuant to his orders, he testified:

Senator La Follette. Had you instructed them to shadow union organizers? Mr. Gilroy. Well, to go around and see what was going on. Senator La Follette. Had you instructed them to shadow union organizers? Mr. Gilroy. Well, to see whether they molested any of our employees or not. Senator La Follette. I direct you to answer my question. Mr. Gilroy. Yes, sir.7

Pt. 26, p. 11009.
 Pt. 26, p. 11010.
 Testimony of Guy L. Sweany and Walter Paul Koellner, pt. 26, pp. 11010-11012.
 Testimony of Walter Paul Koellner, pt. 26, p. 11012.
 Testimony of Walter Paul Koellner and Howard Porter, pt. 26, p. 11013; and pt. 26, exhibit 4552, p. 11013. 11133. • Pt. 25, exhibit 4487, p. 19791. • Pt. 26, p. 11014.

# SECTION 8. "ROUGH SHADOWING" BY REPUBLIC POLICE IN OTHER CITIES

"Rough shadowing" of union organizers by Republic police was not limited to the Youngstown and Canton-Massillon districts. Testimony of Charles Doyle, S. W. O. C. organizer in Buffalo, cited in the preceding chapter, shows that in Buffalo union organizers were at first shadowed secretly, but when it was obvious that the organizers were aware of this surveillance, the pursuit was continued as "rough shadowing."

Senator LA FOLLETTE. Did this surveillance continue or not?
Mr. Doyle. Yes; from that time on, and when the men in the car became aware of the fact we knew that we were being followed, they made no attempt to hide the fact that they were following us.

SENATOR LA FOLLETTE. Did you ever recognize any of them? Mr. DOYLE. Yes.
Senator LA FOLLETTE. Who were they?

Mr. Doyle. Mr. Hank Frears, who is now in this room.

"Hank Frears," whose full name is Henry G. Frears and whose occupation was "policeman for Republic" in Buffalo, testified on this point:

Senator La Follette. You have heard Mr. Doyle's testimony that you shadowed him. Is that true?
Mr. Frears. That is correct.

Senator La Follette. Under whose instructions? Mr. Frears. Captain Todd's.\*

Captain Todd, head of Republic's company police in the Buffalo district, admitted giving such orders, but gave as his reason his belief that Mr. Doyle was a Communist.

Senator La Follette. You have heard the testimony of Mr. Doyle and Patrolman Frears?

Mr. Todd. That is right. Senator La Follete. Have you any comments to make on it?

Mr. Todd. Mr. Doyle is known generally in Buffalo-

Senator LA FOLLETTE (interposing). Will you speak a little louder? I cannot hear you.

Mr. Topp. Mr. Doyle here—Charlie Doyle—I don't mean to say Mr. Doyle he is known commonly and professionally as a Communist and an atheist.

This was the first and only time that any Republic witness offered the political and religious views of an individual as an excuse for hounding him day and night. Captain Butler testified that he directed his patrolmen to follow union organizers to learn of their activities in town. Captain Gilroy also admitted having union organizers followed for the same purpose. This apparently was a company policy. But Captain Todd tried to lead the committee to believe that he undertook to follow Doyle and others because of their alleged communistic and atheistic views.

Todd had his own way of finding out the Communists in Buffalo.

Senator I.A FOLLETTE. How have you ascertained that these people were Communists?

Mr. Todd. By their activities, by their friends and by their statements.

Senator La Follette. You mean statements made to your policemen? Mr. Topp. No; statements that are made in public mass meetings that these people, including Charlie Doyle, Ross, and these fellows, assembled, unemployed,

Pt. 26, p. 11057
Pt. 26, p. 11060.
Pt. 26, p. 11063.

and who have marched on the public squares for demonstrations, and they have taken part in marches on our local government, our city administration building. And here a couple of years ago they also took part in a march on the capitol at Albany and were forcibly ejected off of a bridge down there—that was quite general knowledge and in all of the newspapers—and from activities and their own statements and their friends and their families. Charlie Doyle's family has expressed regrets from time to time that he was a Communist and an atheist.1

This last assertion was based upon an affidavit by one Peter Mc-Keown, a neighbor of Charles Doyle's mother, Mary Doyle, in which McKeown asserted that Doyle's mother and three sisters

used to talk to me about not liking Charlie being on the pay roll and an active organizer of the Communistic party.<sup>2</sup>

Mr. Todd had secured this affidavit on July 25, 1938, just prior to his appearance before the committee, because he had "heard that Doyle had been subpensed." It appears from Mr. McKeown's affidavit that he remained at work during the strike, which resulted in the usual tense relationships that arise between striking employees and those whom they consider "scabs." Mrs. Mary Doyle denied McKeown's assertions in an affidavit submitted to the committee.

I have never on any occasion whatsoever discussed my son's beliefs with Peter McKeown or anyone else. I am proud of the work he has done in the unions and on behalf of the unemployed.3

Todd's rationalization of his "rough shadowing" activities as an effort to follow "Communists" led him to some startling and absurd assertions.

Senator LA FOLLETTE. Do you follow all of the Communists in Buffalo? Mr. Todn. I do. I follow their activities as nearly as I possibly can. Senator La Follette. Do you have your policemen shadow all of them? Mr. Todd. No; I don't have enough policemen.

Captain Todd had no apologies for this zealous pursuit of people whose political and religious beliefs he professed to abhor.

Senator LA FOLLETTE. How many Communists are you shadowing now in Buffalo?

Mr. Todd. I could not tell you. I am here now, Senator. Senator La Follette. Well, how many were you shadowing when you left Buffalo?

Mr. Todd. Understand, we are doing this deliberately. We are not shadowing, we are not operating under any covers, and we never attempted to.

In this deliberate fashion, Captain Todd admitted having three or four people under surveillance at a time:

Senator LA FOLLETTE. How many have you had under surveillance at any one time?

Mr. Todd. Three or four of them. Senator LA FOLLETTE. Is that all?

Mr. Todd. At any one time, Senator. I don't have men to cover any more of them at any one time.

Todd's real purpose in having people tailed around Buffalo was really the same as Butler's and Gilroy's. He admitted that he followed others than so-called Communists. He also stated that all the people he followed were active in promoting union organization.

¹ Pt. 26, pp. 11065-11066.
² Pt. 26, exhibit 4565, p. 11142.
³ Pt. 26, p. 11159-11160.
⁴ Pt. 26, p. 11064.
⁵ Pt. 26, pp. 11064-1106€.
⁶ Pt. 26, p. 11065.

Senator LA FOLLETTE. Were all the people that you have under surveillance Communists?

Mr. Todd. No; I would not say that, Senator, and to be truthful about it; but they were all sleeping practically in the same office, and I like to judge people best by their friends and the company they keep.

Senator La Follette. Were all the people that you had under surveillance

organizers or active in the Steel Workers Organizing Committee?

Mr. Todd. I would not say they were all active organizers; no. They were all active however, in either organizing or assisting or intimidating persons into signing up with the SWOC.1

The pretense of this Republic policeman that he followed "Communists" around Buffalo is thus no more than a cloak for conscious and deliberate "rough shadowing" of union organizers. was done with the knowledge and the tacit approval of the head of the police department of Republic Steel Corporation is evident from the following testimony of Superintendent Williams:

Senator LA FOLLETTE. Did you know at this time during this organization drive that the members of your police department were keeping union organizers under surveillance?

Mr. WILLIAMS. Yes; I knew at times they were.2

Mr. Williams also admitted that the dittoed reports sent out by him to his captains, which were discussed in the preceding chapter, contained complete descriptions of union leaders and organizers,3 and he knew that his captains kept the organizers under surveillance.

Senator La Follette. Was it your policy to send out identification of the union men or organizers that you could find who were engaged in this organizing

Mr. Williams. Those particular men, yes; along with others, the complaints we had received from our employees as to the destruction of property and all sorts of threats, and naturally we should have known who these fellows were.

Senator La Follette. Did they keep them under surveillance, do you know? Mr. Williams. Occasionally I would pick up from my subordinates where they were and different individuals they had talked to, certainly.

Senator LA FOLLETTE. Did you know then, that these union organizers were under surveillance?

Mr. WILLIAMS. Well, in a sense they were; yes.4

It is also worth noting that between March 1936, before the union organization drive began, and May 1937, when the strike began, the regular Republic police force increased in size from 270 to 370. When asked what new duties necessitated this increase, Superintendent Williams replied that "There wasn't any new functions, Senator, outside of what men we had on the outside." 4 The men "on the outside" were the men engaged in labor espionage or "rough shadowing."

<sup>1</sup> Pt. 26, p. 11066, 2 Pt. 26, pp. 11008-11009, 3 See p. 174, 4 Pt. 26, p. 11008; 6 See p. 186.

REPUBLIC STEEL CORPORATION 1

Regular police force not including temporary employees acting as guards or watchmen during emergencies (estimated number)

District	1936											1937												
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	De
districts	275	271	270	279	286	285	311	316	330	336	339	343	348	352	354	358	370	382	385	200	201	207	901	-
oungstown	43	43	43	48	49	50	58	64	67	68	64	65	66	65	65	66	68	77	74	390 75	391	387	361	3
levelandanton and Massil-	42	41	40	45	49	50	51	53	53	56	62	63	64	63	62	61	66	69	69	70	70 79	63 79	57 73	
lon	4	4	4	4	4	4	4	4	. 4	4	3	3	3	3	3	3	3	3	3	3	3	3	3	ļ
inton	31	29	29	29	27	27	26	27	28	29	30	31		31	31	32	33	34	34	35	38	38	37	
ss:llon	24	24 27	24 27	24	23	23	23	22	23	23	23	22	22	21	21	32 21	21	20	34 22	23	23	24	23	1
arrenles, Newton, and	27	27	27	27	28	27	33	34	38	40	38	39	31 22 38	43	44	43	46	45	46	46	42	43	35	
Liberty	7	7	7	6	6	6	7	8	9	9	9	9	9	9	9	9	9	9	9		9			1
onroe	8	8	7	7	7	7	7	7	7	7	7	7	7	Ř	7	7	5	8		9	8	9	8	1
yria	4	4	3	4	.4	4	4	4	5	5	5	5	5	5	5	5	1 6	ı	°	2	2	0	2	1
uffalo	20	20	20	20	22	22	29	24	27	28	29	29	29	29	28	30	28	29	29	30	29	29	0.5	1
ooklyn	3	2	2	2	2	2	4	4	4	3	3	5	5	4	5	5	A	25 A	20	30	29	29	25	
troit	2	2	2	2	2	0	0	Ō	Ō	ŏ	ŏ	ŏ	ň	3	4	Ă		] ]	1	7	1 7	4	1	1
perior	4	4	4	4	5	5	5	5	4	4	1 4	4	4	1	Â	Ā	7	1 7	1 7	1 1	1 7	1	1 2	1
rmingham	15	15	16	16	16	15 21	16	16	16	15	16	16	17	17	17	18	23	23	25	25	25	3	1 2	1
licago	20	20	21	20	21	21	22	22	23	23	24	23	28	27	27	27	26	26	25 26	25	24	26 24	26 24	
artiora	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
ary	4	4	4	4	4	4	4	4	4	4	4	4	4	4	, ,	4	4	ı v	4	ı ,	1 4	3	3	1
eaver Falls	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	1ô	111	11	11	11	11	
orthern Coal Mines.	4	1 4	4	4	4	5	5	5	5	5	5	5	5	5	5	5	5	5	6	78	6	6	76	١
orthern Ore Mines.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	i	ì	ő	l i	1 1	1	1 1	1

<sup>1</sup> Exhibit 4551, which appears in pt. 26 on p. 11132.

Source: Reports from Republic Steel Corporation.

### SECTION 4. INTERFERENCE WITH THE DISTRIBUTION OF UNION LITERATURE

One of the most important factors in the conduct of a union organization drive is the distribution of leaflets, pamphlets, and other literature. It was the recognition of this fact that led the company police in the company town of Lynch, Harlan County, to confiscate all union literature distributed to the workers. In and around the Republic plants similar efforts were made by company police to prevent the distribution of union literature.

In Youngstown, Robert H. Burke, the organizer in charge of the distribution of union literature outside the gates of Republic's plants, testified that:

We distributed it at every gate on every shift, whenever the paper came out or whenever there was any extra material that we put out. At first I used men who were unemployed, but I found that they were too easily intimidated by certain people who would come out, the policemen at the gates, and that sort of thing, and tell them to go away. I mean they did not want to do the job; so I got a number of kids between the ages of 14 and 16 or 17, on the basis that I thought that they would not be so easily intimidated nor would they be subjected to add that they would not be so easily intimidated nor would they be subjected to attack by the thugs that hung around and tried to stop the distribution of literature, including in my definition of "thugs" those policemen who had uniforms on.

On one occasion efforts were made by persons connected with the Republic police to bribe these boys to leave the scene without distributing their literature. Mr. Burke described this incident as follows:

Another thing, on the distribution of literature, which I have not brought out. I left these kids down at the mill gate, and naturally I had to keep traveling to cover all of the mill gates, since there are about 30 around the Youngstown district. I came back and some of them had gone. Again, in a car with a Pennsylvania license No. 2730 D, according to the boys, men had come and picked them up and offered them a dollar if they gave them the papers and went home. Some of them stayed and some of them went home.2

The car mentioned by Mr. Burke was owned by Benjamin F. Myers, a member of the Republic police force in Youngstown.3 Mr. Burke's testimony on this point remained uncontradicted. Captain Butler merely challenged Mr. Burke's statements concerning the age of the boys, stating that they were 8 and 9, not 16 to 18.4

In Buffalo, too, Republic police took upon themselves the duty of denying to their employees the right of access to union literature. Charles Doyle, SWOC organizer in the Buffalo area, described what happened when a group of union men began to distribute leaflets to workers at the gates of the Republic plant in that city:

Senator LA FOLLETTE. Did you attempt to distribute leaflets in Buffalo? Mr. DOYLE. Yes.

Senator LA FOLLETTE. Were you interfered with in any way by men you knew. of your own knowledge, to be Republic policemen?

Mr. DOYLE. One particular incident. I went to the Republic Steel plant, which is situated on Abbott Road in Buffalo, together with others from the field force of the S. W. O. C. Accompanying me were Ernest Bowman, Mr. Ross, Nick Canesowich and John Sobieraj. We got in front of the main gate of the Republic Steel plant, and we seen there quite a number of Republic policemen. One of them was stationed directly in front of the door where the men had to pass through.

<sup>&</sup>lt;sup>1</sup> Pt. 26, p. 11028. <sup>2</sup> Pt. 26, p. 11037. <sup>3</sup> Pt. 26, exhibit 4556, p. 11135, <sup>4</sup> Pt. 26, p. 11035.

This policeman, every time that we gave a worker a paper, as soon as the worker stepped into the doorway he would take it from him. When we seen this we began to fold the papers up small so that the workers who wanted to keep them would be able to put them in their pockets so the policemen would not be able to have a chance to take it away from them.

When we done this, then the policeman deliberately put his hands in their pockets and took the papers off of him. After we were there a little while, the captain of the Republic police force, Mr. Todd, who was supervising the work of the policemen there, sent four of them across the street where the workers coming out of the plant would have to wait for a streetcar or go to get their automobiles, and the same thing was going on across the street, taking the papers away from the men that were coming out.1

This occurred on Abbott Road, a public street. Captain Todd left Mr. Doyle's testimony on this point uncontroverted when given an

opportunity to comment on it.2

Testimony before the committee disclosed several instances of intimidation and of attacks on union men distributing literature at the gates of Republic plants in Cleveland. The first of these incidents occurred on January 12, 1937, when S. W. O. C. Organizer Alex Balint and a friend, Bill Wimmer, went down to the gates of the Corrigan, McKinney plant to distribute leaflets announcing a S. W. O. C. mass meeting. The events that followed were described by Mr. Balint: meeting.

This was at 3 o'clock January 12, 1937. Bill Wimmer and I went down to gate No. 1. As we were standing there waiting for the men to come out a man came out of the mill dressed in company police uniform, and he walked up toward me, and he had his right hand in his pocket, and I saw that upon his wrist was a piece of strap similar to that worn on blackjacks, and this man came up to me and circled around me several times, continually looking at my shoe. He would not look me in the face or the arms, but he would look at my shoe. He kept circling around me and I turned and kept my eyes on his face and arms. When this happened about three or four times Mr. Wimmer, my buddy, started circling around him. After five or six revolutions around me, he started after Mr. Wimmer and circled around him several times, looking at his shoes continually. When he started going around him I started going around Sergeant Riggins, and after several more attempts he stepped back and laughed at us and walked into the plant. Not a word was said by either one of us.

Undaunted by these gyrations, Mr. Balint again began to distribute these leaflets on the following day, this time at the No. 2 gate. He was accompanied by Mr. Wimmer and Vincent Favorito. Suspicious of the strange actions of company police stationed at the gate, they moved to another Republic plant, the Truscon plant, and resumed their leaflet distribution. There all went well until a large man dressed in worker's clothes came out of the gate and approached Balint and Favorito. Mr. Balint testified to his actions:

He was in workingmen's clothes, and we took him to be a worker at that time He walked to Favorito, and Mr. Favorito started to hand him a leaflet. He would not take it and approached me, so I thought that I would try my luck and handed him a leaflet, and he did not take it and he walked on the right side of me and almost behind me. I heard him mutter something about a son of a b—, and I turned around to see what the man was cussing about, and as I turned around I saw that he was swinging at me, and I distinctly saw brass knucks on his hands, and he struck me right above the eye, my left eye.

Senator LA FOLLETTE. Could you identify this man if you saw him? Mr. Balint. I can, sir.5

<sup>1</sup> Pt. 26, p. 11062. 2 Pt. 26, pp. 11063-11068. 8 Pt. 26, p. 11042. 4 Pt. 26, pp. 11042-11043. 8 Pt. 28, p. 11043.

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Mr. Favorito confirmed Mr. Balint's testimony and asserted that he, too, was able to identify Balint's assailant. This identification was made:

Senator La Follette. Mr. Balint, have you seen this man recently?

Mr. Balint. I have.

Senator LA FOLLETTE. Where have you seen him?

Mr. Balint. He is in the room here. Senator La Follette. Can you pick him out?

Mr. Balint. I can (going to the back of the hearing room and pointing), that big fellow right back there.

Senator La Follette. Go ahead and point him out. I want you to go back

and be certain of your identification.

Mr. Balint. This is the man right there. Senator La Follette. Which one? Mr. Balint. This one right here (pointing).

Senator LA FOLLETTE. Mr. (Kenneth J.) Sodders?

Mr. Balint. Yes, sir.1

Mr. Favorito confirmed Mr. Balint's identification. Mr. Balint's injuries consisted of a cut over his eye, requiring several stitches.

Mr. Sodders denied the attack, claiming that he had been in Massillon on a 2-day pleasure trip on the day Balint was attacked. When shown an expense voucher dated January 14, 1937, the day following the assault, showing a payment of \$264.55 to him on that day, ostensibly for mileage, he explained that this was for expense incurred by him for espionage activities during the Berger strike, nearly 2 years Captain Gilroy, who approved the voucher, said that he had done so on orders from the Cleveland headquarters of the company police, and that he did not know about the money being due Sodders from the Berger strike. Previously, Gilroy had approved other expense payments to Sodders in connection with the Berger strike, including one in March 1936 for \$588.03, which was supposed to have ended Sodders' strike expense account. Nor did Mr. Gilroy see Mr. Sodders in Massillon when he signed this voucher.

A week after this assault, about January 20, a group of union men and organizers again went out to the Truscon plant in Cleveland to distribute union literature. Mr. Balint described what occurred there when the union men arrived:

When we got there it seemed as if the company had already had information that we were coming, because Capt. Dewey Jones was there and about 30 people 

Mr. Balint. Some of them were in uniform and some of them were in workingmen's clothes and some of them were just dressed up as civilians. It was a mixture. We parked our cars and we started to come across toward the gate, and I recall that Mr. Benny Favorito was the first one leading toward the gate, and as they started going toward the gate these 30 or 40 men that they had there, they started approaching them, and they met in the middle of the street. I saw the first man that was by the gate awaiting for us as he came in the middle of the street strike Benny Favorito in the mouth, and I saw Benny Favorito strike back once or twice, and Cant. Devey Jones run out in the street and told the men to once or twice, and Capt. Dewey Jones run out in the street and told the men to

get back in front of the plant, and they did.6

Pt. 26, p. 11044.
 Pt. 26, exhibit 4559.
 Pt. 26, p. 11047.
 Testimony of James L. Williams, pt. 24, p. 10107.
 Testimony of Joseph F. Gilroy, pt. 26, p. 11048.
 Pt. 26, pp. 11051-11052.

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"Benny" Favorito confirmed Mr. Balint's description of the events,

as did Vincent Favorito, his brother.1

On April 19 another union man who was distributing literature outside of the Truscon plant was attacked by a Republic policeman. Paul Castman testified that while he was passing out literature on Truscon Avenue, near the corner of Fifth-fifth Street, he had occasion to sign up a union member who represented himself as John Jense, but was actually someone else who remains unidentified.

Mr. Castman. \* \* \* as I was handing him this stub of the card back, a man shoved him out of the way and swung at me with a blackjack, which I could not get out of the way of, and it hit me in the side of the face on the jaw, breaking

one of my teeth and also the partial plate that I wore in my mouth.

It staggered me and I stumbled backward off the curb and fell to the ground in between these two parked automobiles, whereupon that man with the blackjack jumped on me with his knees and proceeded to keep beating me around the head and the arms and the hands with this blackjack, breaking my arm, cutting my head in a couple of places which necessitated quite a few stitches to sew up. Also on my left elbow; they had to sew my elbow up.

Senator La Follette. Did you recognize your assailant?

Mr. Castman. I did.

Senator LA FOLLETTE. Who was he?

Mr. Castman. Sergeant (Roy) Brown, the gentleman sitting right here.<sup>2</sup>

Mr. Castman suffered the following injuries, according to the records of St. Alexis Hospital in Cleveland:

(1) Mild concussion—possible skull fracture.

(2) Laceration of occipital and frontal areas.

(3) Lacerations of inner right cheek.
(4) Laceration of left elbow.
(5) Fracture of middle phalanx of 5th left digit.

(6) Colles Fracture, right wrist.3

Sergeant Brown, of the Republic police force in Cleveland, denied the attack, stating that at the time he was at home.4

### SECTION 5. ATTACKS ON UNION ORGANIZERS

Evidence of unprovoked assaults by Republic police on union men simply for the purpose of intimidating them and frightening them into inactivity was presented in the course of the committee's hearings pertaining to at least two of the cities where there are Republic plants. It must be stated that the committee did not make a special effort to locate instances of physical violence in ordinary times, but evidence was adduced only incidentally when some of the witnesses who were called in other connections related their experiences.

Charles Doyle, SWOC organizer, testified that on December 13, 1936, he held a union meeting in the back room of Marie's Grill on South Park Avenue in Buffalo, N. Y. When the meeting was over Mr. Doyle and a friend remained in the restaurant to talk. were approached by a man who identified himself as Henry Sears, and whom Mr. Doyle recognized as one of his "rough shadowers."

What followed was described by Mr. Doyle:

Sears, then, or rather the individual I thought was Sears, tried to pick a fight, and by this time there was only Houston and myself left in the place.

Testimony of Benedict Peter Favorito and Thomas Vincent Favorito, pt. 26, pp. 11052-11053.
 Pt. 26, p. 11073.
 Pt. 26, exhibit 4568, p. 11144.
 Pt. 26, p. 11074.

later, when Sears went on the outside we followed out about a minute later. And he had his coat off, and as soon as Mr. Houston and myself went on the

outside of the grill in the front, four men pounced on us and beat us up.

Someone hit me in the mouth from the front with his fist and immediately after that something hit me from behind, right on the ear at the side of the jaw. Mr. Houston was also beat up and kicked around while he was laying on the ground. I was stunned, and the whole thing happened only in a few minutes, and the four men, one of them being Mr. Frears, who I later found out was Frears and not Sears, was one of these men who attacked us at that particular He is now in this room.

Mr. Doyle suffered, according to his physician, Dr. Thomas J. Syracuse, "a bruised and contused right jaw." Mr. Frears admitted being in the restaurant but claimed that he did not attack Mr. Doyle, that he had been drinking all afternoon, and "was a little woozy"; that one of the union men picked on him, and he challenged him by saying: "Well, if you want to fight, I might as well give it to you now", and took off his coat and went outside. As he went out, he himself was struck in the mouth. Frears also stated, however, that as he came out he "saw several men laying on the ground," who were not company policemen. There were, he also admitted, three Republic policemen-Glazer, Burke, and De-Perro—who, when Frears stepped out "by that time they were going away from the place." 4

Captain Todd explained that the owner of Marie's Grill, one Frank Steel, was an employee of Republic Steel, that he still is an employee, and a close friend of Frears. Doyle asserted that Steel was a strike-

breaker who worked during the 1937 strike.

According to Todd's version of the events of December 13, 1936, Steel overheard Doyle "instructing them what to do to hang Frears here as one of these thugs and these cutthroats." Thereupon Steel immediately called up the Republic offices and informed someone "what was going to take place, and three of them came down." 5 Captain Todd then explained what followed:

the Republic Steel police did wait until such time as Frears was struck by one of these men as he came out of the door, and, of course, the fight was on.

Captain Todd was not at the scene, and, therefore, he was relating at best what he must have heard from his policemen. It is interesting that his story is completely out of focus as compared with the description of the scene as given by Frears himself. According to Frears, when he went outside there were "several men laying on the ground" none of whom were company policemen, who, in fact, "were going away from the place" when he went outside. Furthermore, Frears testified that he did not know of the presence of the other policemen If his friend, Frank Steel, did actually overhear a threat by Doyle against Frears and called Republic policemen, it is strange that he did not tell Frears about it.

The testimony presented by Frears and Todd, in the light of all these contradictions, appears without evidential value, and Doyle's story of the assault carries more conviction.

Pt. 26, p. 11058.
Pt. 26, exhibit 4564, p. 11141.
Pt. 26, p. 11060.
Pt. 26, p. 11061.
Pt. 28, pp. 11065-11067.
Pt. 26, p. 11067.

Testimony presented before the committee also shows that in Cleveland there were at least two other occasions on which union organizers were roughly manhandled and beaten by Republic police. The first of these occurred on January 13, 1937. The victim, Gerald Breads, an employee of the Otis Steel Co., had been active in organization work, distributing leaflets at Republic plant gates. While doing this he had observed the use of the following technique by company police stationed at the plant gates:

Mr. Breads. Well, there was never no violence, it was always they appreared to me like they were putting the finger on us.

Senator La Follette. What do you mean by that, following you?

Mr. Breads. Well, no, not at the present time I am talking about. Senator La Follette. What do you mean by "putting the finger on you?"

Mr. Breads. We went down there to pass out literature and first one patrolman would come out and take a look at us and go back in the time shanty and then another one would come out.1

On the night of January 13, the following incident occurred to Mr. Breads as he departed early from a union meeting:

Mr. Breads. I was at the Bohemian National Hall on Broadway, I wouldn't know what number it was, it is right there at Pershing Road.

Senator LA FOLLETTE. When was that?

Mr. Breads. That was on the night on July 13, 1937. I had to go to work that

night at 11 o'clock so I left the hall about 9 and another fellow by the name of Paul Chocky was with me. We started away from the hall to get the dinky that runs across the Clark Avenue Bridge, and just as we was going across Broadway

Senator LA FOLLETTE (interposing). Was this while the strike was on?

Mr. Breads. No; this was before the strike-January 13, 1937.

Senator LA FOLLETTE. Proceed.

Mr. Breads. There was a car pulled away from the curb. I stepped in front of the car and got out in the streetcar tracks and I seen Dewey Jones and another

fellow jumping in the car alongside.

Senator LA FOLLETTE. Did you recognize the other man?

Mr. Breads. I couldn't; no. So I started through the gas station with the idea that if I got on the dinky they wouldn't follow me into there. I had an idea what was going to happen. Before I got to the dinky they had cut me off. Dewey Jones and the other fellow in the back seat jumped out and pulled revolvers One of them stuck one in the back of my neck and Jones was in front of

me holding one in my stomach.
Well, words passed both ways, they called me names and I called them back I guess, and I asked them what it was all about. They told me to never mind that I would get mine, that I would get what was coming to me, and they wanted to put me in the car and I said no. They tried to force me in the car and shoved me right against the car and the fellow who was riding in the back seat with Jones at the time the car stopped, he grabbed me and shoved me farther in. Then there was nothing I could do but get up on the seat. I don't know what route we took, or where we was, but I come to under the Clark Avenue Bridge, after I got bashed over the head a couple of times with a blackjack and revolver butt, and I was also hit on the arm, too.2

According to the records of the Cleveland City Hospital, Mr. Breads suffered lacerations of the scalp.<sup>3</sup> He was taken to the hospital by his friends Favorito and Slanie. Despite diligent efforts and adequate formal notice given to the Republic Steel Corporation, the committee was unable to obtain Mr. Jones' presence in the hearing room when Mr. Breads testified. Several days later Mr. Jones appeared and denied Mr. Breads' charges. The committee has only the hospital

<sup>1</sup> Pt. 28, p. 11075.
2 Pt. 26, pp. 11076-11077.
3 Pt. 26, exhibit 4572, pp. 11147-11148.
4 Testimony of Dewey W. Jones on Aug. 11, 1938, pt. 34.

record as tangible evidence in face of the conflicting testimony of Breads and Jones.

The other instance of an attack on a union organizer by company police occurred again in Cleveland, after the "Little Steel" strike, on September 21, 1937. The victim, Vincent Favorito, was on his way to his parked auto at 11:45 p. m., having just attended a union council meeting when he was attacked by three men. Mr. Favorito described this attack:

\* \* As I was walking toward my car, approaching my car, I was about 5 feet from it there, I turned off the sidewalk to go to my car which was facing north on West Tenth. The man that was on my right side, the man that was walking toward me, hit me with a blackjack on the back of my head and the fellow that was coming toward me from the back end of my car hit me on the face with a gun, and I felt the man in back of me grapple me by the neck and put his knee on my back, and immediately then something come into my mouth like a gag, we can call it a gag because it was a rag, and I couldn't say a peep; and I was held on both arms by these two men that evidently wanted to knock me out, and didn't do it, and we struggled there. I happened to get loose some way and I get this man here that was in back of me and I throws him over me, but he went right on top of me, I happened to hit the ground, and him on top of me, and I held him there.

I was afraid that if I would get kicked in the head that it would be the end of me. I held onto him, and while I was holding onto him these other blokes or thugs were hitting me, kicking me, and swearing. While this was going on they also kicked the fellow that was up on top of me and he happened to let go and I hollered. As I hollered my brothers-in-law and my sister heard me and come to my rescue.

The Cleveland City Hospital records indicate that Vincent Favorito was admitted at 12:20 a.m. on September 22, 1937. Diagnosis was "Y shaped lac. over occ. region of scalp \* \* \* Abrasions over 1 eyebrow with ecchymotic area with edema of left eyelid.2"

In this case, too, Dewey Jones contradicted the testimony of the union witnesses and the hospital record is the only tangible evidence in the committee's possession.

Because Captain Jones was not available when the committee was taking testimony on these events it was impossible to identify him at the hearing. When he appeared on the last day of the committee's session, on August 11, he denied all allegations that incriminated him. Since then the committee has obtained further evidence on the character of Mr. Jones which tends to impeach the credibility of his denials. He now appears to be a man of vicious temper, quick in the use of force.

In the preceding chapter on espionage it was related how the committee came into possession of a labor spy report relating to the brothers Konkowski, which was found in Dewey Jones' old car, which was traded in at an automobile sales place in Elwood, Ind.<sup>3</sup> This report, as was related, was turned over to the committee unsolicited, by Howard Cavan and Bernard Rebuck, garage mechanics of the Dawson Buick Co., of Elwood, Ind., where Mr. Jones turned in his car. When the report was shown to Dewey Jones at the committee's hearings on August 11, 1938, he denied all knowledge of it, professing never to have seen it. Yet on December 24, 1938, Dewey Jones appeared in Elwood, Ind., presumably visiting his relatives there, and dropped in at the garage where the committee's informants, Messrs.

<sup>1</sup> Pt. 26, pp. 11054-11055. 2 Pt. 26, exhibit 4562, p. 11140.

<sup>\*</sup> See pp. 232 ff.

Rebuck and Cavan, were at work. Dewey Jones then wreaked his vengeance, by assaulting them in a brutal and vicious manner.<sup>1</sup>

In the face of such evidence Vice President Charles M. White's panegyrics about the upright and home-loving character of Republic policemen 2 must be considered as no more than an obvious attempt at self-defense, the only value of which is to mislead the committee. If it is true that Mr. White and his colleagues have made a tremendous effort to obtain high-caliber men, then they must either admit failure in their efforts, or must assume responsibility for the slow degeneration of the force, under direction and instructions from above, into a group of strong-arm terrorists. The fact is that Republic Steel Corporation made no special investigation and required no special qualifications from applicants for policemen's jobs. Superintendent

Williams admitted as much in no uncertain terms.2

On the whole, the record makes it clear that the Republic police department systematically and methodically engaged in the shadowing and intimidation of union organizers during the organizing campaign of the Steel Workers Organizing Committee in 1936 and 1937. Three police captains, Butler, Gilroy, and Todd, testified that their men kept union organizers under surveillance in their respective districts, Youngstown, Canton, and Buffalo. Their testimony and the records of the Republic Steel Corporation show that the personnel of the police force was increased in order to carry on this activity. There is also no doubt that the company police interferred with and thwarted the distribution of literature by union men and organizers. As to the assaults alleged by the union organizers, there is a conflict of testimony, but on the whole record the committee feels that there is no doubt that some persons, whether completely identified as company policemen or not, committed vicious assaults on union organizers for no other reason than the fact that they were organizers engaged in unionizing Republic Steel Corporation employees. In at least one of these incidents four company policemen were definitely identified. In view of the whole record, the committee cannot but feel that such assaults and intimidatory action were not out of line with the character and conduct of Republic Steel Corporation's police. The responsibility for such a campaign of shadowing and intimidation, carried on over a long period of time and at widely scattered plants of the corporation, under the direction of police officials, cannot be denied or evaded by the management of the corporation.

<sup>1</sup> See appendix B for affidavits of Bernard Rebuck and Howard Cavan. \$ See p. 123.

### CHAPTER X. COST AND RESPONSIBILITY

Preceding chapters of this report contain discussions of the activities of Republic Steel Corporation's police department in labor espionage, rough shadowing, and other forms of intimidation, and strikebreaking—all calculated to impede the efforts of the employees to organize for purposes of collective bargaining. The expenses incurred in connection with these activities were paid by the corporation upon presentation of "blind" vouchers submitted by various members of the police department. These vouches failed to show upon their face the specific purpose for which the money was spent.

Some of these vouchers were blank except for the date, the sum of money, and the signatures of the payee and the officer approving the Others contained general descriptions of the purpose for which the money was expended, without giving any real indication of the use of the money. For example, certain vouchers submitted by W. Earl Butler, captain of Republic police in the Youngstown district, stated the purpose to be "investigations." The vouchers submitted by James S. Torbic, in charge of police in the Monroe, Mich., district, bore the terse explanation, "special account." Capt. Dewey W. Jones, in charge of the company police in the Cleveland district, submitted vouchers totaling \$1,852.82 during 1936,3 which bore the explanation "special investigation" or "special duty away Superintendent James L. Williams himself submitted vouchers covering expenditures of \$2,707.25 during the period from May to August 1936, which were explained only by the cryptic notation "special expense." Capt. George E. Todd, in charge of company police in the Buffalo district, submitted a series of vouchers covering expenditures of \$10,283.50 during the period from April 1936 to January 1938, and accounted for these expenditures by varying explanations which read, "special duty," "supplies," "special work," "services rendered," "company business," "special expense," and "regular traveling expenses." C. D. Evans, in charge of the company police in Steel & Tubes, Inc., a subsidiary of Republic Steel Corporation, expended a total of \$2,175.99 on vouchers which bore the explanations "special expense or advances" or were totally unexplained.

In addition to this there was a large number of vouchers submitted by the police departments in all districts covering small amounts to reimburse various members of the police force for travel mileage. There was no explanation in most cases of the purpose for which this mileage was incurred. Unexplained expenditures mentioned above were charged to the regular police department's account and were incurred during the period from April 1936 through December 1937.

Pt. 25, exhibit 4490, p. 10797.
 Pt. 25, exhibit 4490, p. 10802.
 Pt. 25, exhibit 4490, p. 10798.
 Pt. 25, exhibit 4490, p. 10801.
 Pt. 25, exhibit 4490, p. 10803.
 Pt. 25, exhibit 4490, pp. 10797-10803.

# SECTION 1. EXTENT AND PURPOSE OF "BLIND" VOUCHERS

The committee requested from Republic Steel Corporation the vouchers filed by the police department for the period from April 1, 1936, up to December 1937. In response to this request expense vouchers in the total amount of \$51,839.61 were submitted by the corporation, exclusive of police department expenses during the 1937 strike. Of this amount \$33,118.23 was unexplained, represented by "blind vouchers." An additional \$8,074.91 was for mileage covered by the police department for unexplained travel. Thus we find nearly 64 percent of these police department expenses during the period were made on blind vouchers and another 16 percent were for unexplained mileage.

The police department's youchers were furnished to the committee in response to a subpena calling for records of all payments for espionage into the union activities of employees or organizers. According to the testimony of Pearce F. Boyer, comptroller of the corporation, the company had no accounts or other records which showed that money was spent for espionage or rough shadowing. Therefore, he supplied the committee with the expense accounts of the police depart-In his own words: ment.

We looked through our records. I had no accounts that we could locate. went through them with my men. We had no accounts that we could locate that came under that classification. The only expense that I would know of that came under that designation would be in the expenses of our police department.

Senator LA FOLLETTE. And did you furnish vouchers as a result of your search of expenses of the police department?

Mr. Boyer. Yes, sir.
Senator La Follette. From May 1936 to December 1937?
Mr. Boyer. Yes, sir; we went through all of our expense accounts of the company and subsidiary companies to locate every expense account of a member of the police force.1

Because these expense accounts contained no detail concerning the expenditures, the committee was obliged to turn for information to the policemen and police officials who had submitted them. The results were revealing.

For example, the payments made by Captain Gilroy, of the Canton-Massillon district, during and shortly after the strike in 1935 to the labor spies Ray and Sodders 2 were covered by these "blind" vouchers. Some of these vouchers bore cryptic words, such as "advance," or "special expense"; 3 others deliberately disguised the purpose of the expenditure. For example:

Senator La Follette. Will you look on page 84? It is a debit memorandum, dated July 9—"To cash advanced to J. F. Gilroy, account of Frank O'Malley—\$400.00—strike expense".
What was that for, Mr. Gilroy?
Mr. Gilroy. I believe that was paid to Ray and Sodders.

Ray and Sodders were labor spies operating during the Berger strike of 1935.5

Senator LA FOLLETTE. Will you look on page 85; there is a debit memorandum—July 18—this is charged to the strike expense account—July 18—"J. F. Gilroy, advance \$500."

<sup>1</sup> Pt. 25, pp. 10440-10441. 2 Ch. VII, sec. 3, pp. 151-152. 3 Pt. 23, exhibit 4318-1-4318-95, pp. 9929-9968. 4 Pt. 24, p. 10070. 5 Sec ch. VII, sec. 3, pp. 144 ff.

What was that for?

Mr. Gilroy. I feel sure those two items there-

Senator LA FOLLETTE (interposing). I will take the second one when I get to it; what is the first one for?

Mr. Gilroy. The first one, I am quite sure that was giving money to Ray and

Sodders.

Senator LA Follette. July 30—advance to J. F. Gilroy, \$1,255.

What is that for?

Mr. Gilroy. That was the last day they worked in the Canton section, and that was, no doubt, cleaning up their account.1

Gilroy also testified that he gave some of the money charged to him in the Berger strike account to Superintendent Williams. While Mr. Williams was unable to recall how he used most of it, he did recall concerning one item of \$229.20 that he had asked Gilroy to obtain for him and testified as follows concerning its use:

Yes; I probably wanted--I probably owed some people small amounts for various things they did for us in the way of information.3

Superintendent James L. Williams personally made use of blind vouchers to cover some of his expenditures during nonstrike periods as well as strike periods. Among the company police department expense vouchers submitted by Mr. Boyer were four charged to Mr. Williams directly, dated respectively May 29, June 30, July 31, and September 1, 1936. These vouchers, in the total amount of \$2,707.25, bore either the cryptic explanation "special expense" or no explanation whatever. When Mr. Williams was shown these vouchers he testified concerning the expenditures they covered as follows:

Senator La Follette. Mr. Williams, I show you four vouchers out of the group of vouchers, exhibit 4489. They start on May 29, June 30, July 31, and September 1, and they are for amounts around \$455 or a little more per month.

Mr. WILLIAMS (examining).

Senator La Follette. Did you pay any money out of those vouchers for information or for undercover work?

Mr. WILLIAMS. No doubt I did; yes.5

The captains of police in other Republic Steel districts followed Mr. Williams' example. Mr. Torbic of the Monroe district testified that he used blind vouchers only for investigations:

Senator La Follette. Do you have any other types of vouchers aside from these, covering these investigations, that you put in blind, so nobody can tell what the expense is for?

Mr. Torbic. No.

In the Youngstown district, Harold Frederick Vargo testified he had received large sums of money from Captain Butler to reimburse him for his expenses incurred as a labor spy. Joseph Vamos also testified that he had received expense money and extra remuneration for espionage from Captain Butler. Mr. Butler confirmed their testimony. When asked how he obtained the money for these extra payments for Vargo and Vamos, he testified as follows:

Senator La Follette. How did you make these expense payments or extra payments to Mr. Vargo—in cash, as he testified? Mr. BUTLER. Cash.

<sup>1</sup> Pt. 24, pp. 10070-10071,
2 Pt. 24, pp. 10071-10072,
3 Pt. 24, p. 10073.
4 Pt. 25, exhibit 4489, p. 10797, and exhibit 4490, p. 10801
5 Pt. 25, p. 10455.
6 Pt. 27, p. 11333.

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Senator LA FOLLETTE. How did you obtain that cash?

Mr. Butler. I got that money from Mr. Williams.

Senator La Follette. In cash? Mr. Butler. Yes, sir. Senator La Follette. Did you furnish him anything written, any written memorandum, to back it up?

Mr. Butler. I imagine I did.

Senator LA FOLLETTE. Well, do you remember?

Mr. BUTLER. I might sometimes ask him for a certain sum, maybe some of that money was sent down to me from Cleveland, and at other times when he was in the office I would get it from him.1

In view of the fact that no written memoranda from Captain Butler to Superintendent Williams or the accounting department showing payments to Vargo or Vamos were submitted to the committee in response to subpense, it may be inferred that the written memoranda mentioned by Captain Butler above consisted of blind vouchers.

The testimony of Superintendent Williams and his captains of police make it clear that one major purpose of the blind vouchers was to cover payments made for labor espionage, both for special undercover men permanently assigned to investigation of union activities, such as Vargo and Vamos, and for "outside men," i. e., regular members of the police department assigned to outside patrol and investigation.

Rough shadowing and intimidation of union organizers in an effort to impede their activities often necessitated the use of automobiles by Republic policemen. Captain Butler testified that unexplained payments for mileage were for the purpose of "rough shadowing"

union organizers.

Senator LA FOLLETTE. Did you have a man registered at the Youngstown Hotel on or about June 20?

Mr. BUTLER. I think I did.

Senator LA FOLLETTE. Do the items for mileage cover the transportation of the same individual who rented the hotel room?

Mr. Butler. I think it did. I am not sure on that now.

Senator LA FOLLETTE. What was this man doing in the hotel?

Mr. Butler. Well, we went up there to see what these organizers were doing.2

#### SECTION 2. THE ACCOUNTING PROCEDURE OF REPUBLIC STEEL CORPO-RATION

Pearce F. Boyer, comptroller of Republic Steel Corporation, had charge of "the accounting system of the corporation, the books and records and accounts, taxes and pay rolls, invoicing and payment of vouchers, and so forth." Mr. Boyer stated that, among other things, he kept the books of account and other records which reflect the assets and liabilities of the corporation and the use to which the moneys of the corporation were put.<sup>3</sup> He also stated that he was responsible to the officers and directors of the corporation for the proper accounting and use of the corporation's funds. When confronted with the blind vouchers contained among the police department expense vouchers

Pt. 26, p. 10950.
 Pt. 26, p. 11016.
 Testimony of Pearce F. Boyer, pt. 25, p. 10439.
 Testimony of Pearce F. Boyer, pt. 25, p. 10445.

and asked whether it was common practice to pay out substantial sums of money on blind vouchers, Mr. Boyer testified;

I would say that substantially that is the only place where vouchers without detail occur, and then only at times.1

When questioned as to his reasons for permitting an exception in the case of the police department, he first sought to explain it as follows:

Senator LA FOLLETTE. I asked you if anyone had authorized you to treat them differently so far as these police department expenditures were concerned?

Mr. Boyer. Well, as I say, I discussed these accounts as they came through. The first emergency period that I remember was in Canton in 1935. I discussed them with the district managers when expense accounts such as these came through and I reported them to Mr. White.

Senator LA FOLLETTE. And what did Mr. White say?

Mr. Boyer. Well, my recollection about that is that there were various expenses in these emergency periods, particularly where there were various expenses, and work to be done by the police department, they had various expenses and that the district manager would check with the police department and authorize the expenditure.

Senator LA FOLLETTE. Did he explain the nature of them?

Mr. Boyer. Not in particular detail; no, sir.

Senator LA FOLLETTE. He justified this breach of sound accounting practice on

the ground of an emergency?

Mr. Boyer. Well, that it was impossible to keep all of the detail of the various expenses that they had.2

But when it was pointed out by the chairman of the committee that many of these blind vouchers were passed by his department during periods when there was no emergency of any sort, he testified as follows:

Senator LA FOLLETTE. Then the fact is that you have this sort of practice in

the police department, emergency or no emergency, don't you?

Mr. Boyer. I wouldn't say this was a general practice that there were expense accounts that came through approved by the district manager, and would be

approved on his authority.

Senator LA FOLLETTE. They are unexplained, they are blind as far as you are concerned—if your life depended on it, you couldn't tell what that money was spent for, could you?

Mr. BOYER. No.

Senator LA FOLLETTE. I am not implying that it does, by the way. [Laughter.] Mr. Boyer. Other than police department expenses, that is all I know about it.

Within the police department itself, no effort was made to fill the gap in the corporation's records by keeping any itemization of the expenditures for labor espionage and rough shadowing. Superintendent Williams, head of the police, testified concerning payments made to men employed by him for labor espionage:

Senator La Follette. Did you keep any record of the payments which you made to men in your employ for this undercover espionage labor work?

Mr. WILLIAMS. No.

Senator La Follette. You did pay them, however, substantial sums of money

in the aggregate, did you not?

Mr. WILLIAMS. They were paid, no doubt, for a lot of expense involved.

Senator LA FOLLETE. Were they paid anything additional for their services

in work of this nature? Mr. WILLIAMS. They may have been.

Senator LA FOLLETTE. What sort of records did you keep of payments made in addition to expenses for this type of work, over and above their regular compensation?

<sup>&</sup>lt;sup>1</sup> Pt. 25, p. 10445. <sup>2</sup> Pt. 25, p. 10446. <sup>3</sup> Pt. 25, p. 10447.

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Mr. WILLIAMS. I haven't kept any records. There may be cases in districts where a man would, say, work 5 or 6 hours a day in the plant and then he may be carried straight time on his time card, going through the regular channels, the regular procedure of our paying system.

Senator La Follette. Did you keep any record of the payments made to

Sodders and Ray?

Mr. WILLIAMS. No; not accurately; no.

Senator LA FOLLETTE. What sort of records, if any, do you set up to account for moneys paid out for espionage and undercover labor work?

Mr. WILLIAMS. I didn't have any set policy.

Senator La Follette. Did you keep any records of any nature to show how you paid out moneys for undercover work?

Mr. Williams. No, sir.<sup>1</sup>

In turn Superintendent Williams obtained money from the corporation without any designation of purpose or itemization of expenses. The haphazard and informal way in which the police department was permitted to draw and spend money, without any record or check, was revealed in the following testimony of Williams:

Senator LA FOLLETTE. Did you submit any sort of a statement to the persons who actually paid you the cash?

Mr. WILLIAMS. No, sir; all I did was make out an expense account.

Senator La Follette. And to whom did you present the expense account? Mr. Williams. Well, that would vary, too. It could be any one of our district managers. If I happened to be out in an outlying district and needed money, I might go to him or I might have my captain go. If I were in Cleveland I might take it in person or send it through the company mail to, probably, Mr. Elliott or Richards or someone like that. In some of these cases, I might have gotten the money on an advance slip. In other words, I go to our cashier and get a certain amount of money and then cover it later by an expense account. certain amount of money and then cover it later by an expense account.

Senator LA FOLLETTE. Then, if I understand you correctly, your practice was to secure advance monies and then to account for their expenditure by a blank or blind voucher?

Mr. WILLIAMS. That has been done; yes, sir.2

It was pointed out to Superintendent Williams that included among. the instructions on the back of the expense-voucher blanks used by him to draw money, there was the following:

Itemize and be definite in reporting sundry expenditures. Items shown as miscellaneous, and so forth, will not be recognized.3

#### Mr. Williams commented:

This is the first time I have ever read that.3

The committee made efforts to ascertain what limit, if any, there was to the amounts that might be drawn by police department officials on blind vouchers and expended by them without explanation. Williams' testimony on this point was that the amounts he could draw were unlimited—"that is, any reasonable amount."

Senator LA FOLLETTE. How much money could you draw in this way? Mr. WILLIAMS. It would all depend.

Senator LA FOLLETTE. On what

Mr. Williams. Upon my word, I would say. Senator La Follette. You mean, so far as you know, you could draw unlimited sums of money in this way-

Mr. WILLIAMS (interposing). I would not say "unlimited."

<sup>1</sup> Pt. 26, pp. 10890-10891. 2 Pt. 26, pp. 10891-10892. 4 Pt. 26, p. 10892.

Senator La Follette. Am I correct in assuming from your testimony, Mr. Williams, and if I am not, I wish you to indicate so, that you could draw whatever money in your discretion was necessary for the work of this nature without accounting to any responsible official of the Republic Steel Corporation for its expenditure?

Mr. WILLIAMS. I have in the past; yes. That is, any reasonable amount. Senator La Follette. What would you say was a reasonable amount?

Mr. WILLIAMS. Well, that would vary. It would be hard to determine what a reasonable amount would be.

Senator La Follette. Did you ever have any amount that you drew or that you obtained in this way for this purpose questioned by anyone?

Mr. WILLIAMS. No; I have never been questioned.

Senator LA FOLLETTE. So that in all of your experience, you have at least not yet reached the limit where anyone would ask you anything about it?

Mr. WILLIAMS. I don't know about that. Senator La Follette. Well, you have testified that no one has ever done so. Mr. WILLIAMS. So far they have not; no.1

### SECTION 3. POLICE DEPARTMENT ACTIVITIES AND OFFICIAL RESPONSIBILITY

Throughout its investigation of Republic Steel Corporation's labor policy, the committee sought to ascertain where the responsibility lay for the activities of the police department of the corporation. Superintendent Williams testified that he carried on labor espionage on his own initiative, but when asked whether he revealed to any responsible officials of the corporation that he was obtaining undercover information concerning labor activities, he testified:

Mr. WILLIAMS. Not in those terms. I may have mentioned the high spots to some of our people, of a certain meeting.
Senator LA FOLLETTE. To whom have you imparted such information?

Mr. WILLIAMS. In all probability it would have been Mr. White.

Senator La Follette. Anyone else? Mr. Williams. No; I think not, unless there would be a general discussion, or I may have revealed something, just the high spots of a certain happening. However, I wouldn't go into detail with Mr. White on it.2

The blind vouchers submitted by Superintendent Williams were signed and approved by Charles M. White, vice president in charge of operations. When he was shown these vouchers by the committee and questioned concerning his approval of them, Mr. White testified that Mr. Williams' blind vouchers were the only unitemized and unexplained expense accounts he approved:

Senator LA FOLLETTE. We went over this morning with Mr. Williams some of these vouchers [referring to exhibit 4489]. Several of them you had approved. Did you know what Mr. Williams was doing with the money he was getting with your approval?

Mr. WHITE. No; they didn't seem like an inordinate amount for whatever activities he had, and what he had been doing for 2 or 3 weeks or a month, or whatever the period was they covered, seemed to be. And we have confidence in Mr. Williams as we have in our other officers and our staff members. If we didn't, I think we would discharge them; and when they turn in an expense

account which they have signed, I O. K. it as a matter of routine.

Senator LA FOLLETTE. Do you O. K. as a routine matter a blind expense account for anyone else in the company which shows absolutely nothing on its face as to what the money has been spent for, doesn't even have an account number in most cases?

Mr. White. I would, if one of our men would come to me with something along that line, but I don't think I do, Senator, I think they all have something or other on them.

<sup>&</sup>lt;sup>1</sup> Pt. 26, pp. 10893-10894. <sup>1</sup> Pt. 26, p. 10881.

Senator LA FOLLETTE. Anyone else's vouchers, except Mr. Williams', have something on them to indicate what the money was spent for, do they not?

Mr. White. I think that is right, Senator.

Senator LA Follette. So that the only person responsible to you, for whom you perform this service, is Mr. Williams?

Mr. White. In just exactly that way, I think that is correct.

Senator LA FOLLETTE. Over a period of time have you or have you not O. K.'d blind vouchers of this nature for Mr. Williams which you would consider ran into a substantial sum of money?

Mr. White. I have—you mean, would run into a substantial sum of money over a period of years or on each voucher?

Senator LA FOLLETTE. In the aggregate. Mr. White. Well, I can recall having O. K.'d vouchers up to four, five, or possibly six hundred dollars for him. I don't know whether I ever O. K.'d very many of them, but I know I have O. K.'d some up to that amount.1

As a matter of fact, Mr. White approved blind vouchers for Mr. Williams amounting to several thousand dollars over a period of months.2

Senator LA FOLLETTE. What did Mr. Williams tell you he wanted the money for?

Mr. White. I don't recall that he ever told me. The vouchers came through with piles of paper on my desk. I would frequently handle 150 or 200 pieces of paper, in addition to some 25 or 30 telephone calls and see maybe 25 people during the course of a day's operation, and I don't go into matters of that kind when they

have been properly O. K.'d.
Senator La Follette. The vouchers that we have been discussing, Mr. White, were the ones that you personally O. K.'d. Did you feel no-responsibility for

knowing what that money was being spent for?

Mr. White. Well, as I said, Senator, that didn't seem like a great deal of money for a man of Mr. Williams' job, covering all the plants of the corporation and having travelling expenses, and so forth. I didn't know how he kept his expenses. It didn't seem like an inordinate amount of money to me at the time, I suppose, and I signed the expense slips.

Senator LA FOLLETTE. Did you ever discuss with Mr. Williams what this money

was for that you O. K.'d?

Mr. White. No; I don't believe I have, Senator.3

As further evidence of the casual fashion in which his superior officers treated Superintendent Williams' large expenditures on blind vouchers, the following testimony by Mr. White is significant:

Senator LA FOLLETTE. Among the vouchers which we have received are some from Mr. Williams for travel and other expenses, but some of these that you approved are for special expenses. Does that item on the voucher mean anything

Mr. White. The only thing I thought they were doing on that was clearing up some of these advances which Mr. Williams was paid from time to time. That

was the idea I had on the special expenses.4

Mr. Boyer's testimony to the effect that he had accepted blind vouchers from the police department after conferring on the matter with Mr. White was also called to Mr. White's attention. He sought to explain his allowing blind vouchers by attributing the policy to the emergency arising from the existence of a strike. When faced with blind vouchers approved by him during nonstrike periods, his testimony was as follows:

Senator LA FOLLETTE. There are some of these vouchers, however, Mr. White, that were in a period when there wasn't any strike on; and when I say "some of these vouchers" I mean these blind vouchers that nobody in God's world can tell what they are for.

Pt. 26, pp. 10903=10904.
 Pt. 25, exhibits 4489-4490, pp. 10797-10803.
 Pt. 26, pp. 10904-10905.
 Pt. 26, p. 10905.

Mr. White. Yes, sir. Senator La Follette. How do you account for that?

Mr. White. You mean vouchers other than the ones that I have O.K.'d. Senator?

Senator LA FOLLETTE. Yes, sir; and some that you O. K.'d.

Mr. White. Well, as I told you, when the vounchers come through for Mr. Williams I have recognized his name on there as being satisfactory; and the same is true with our managers, if they have O. K.'d them, and have investigated them. It is merely a routine. I sort of rebel, on the thing myself once in a while because there are so darned many papers coming along that it is necessary to sign, as a necessary corporate procedure, but it simply means that you are taking your time away from a lot of very valuable things, and it has become more or less of a routine.

Senator LA FOLLETTE. But not with anyone else, as I understand?

Mr. WHITE. No; these particular items here—I don't know whether it has or

not. As far as I know, it has not.

Senator LA FOLLETTE. So that the information that these were for emergency expenditures during the strike on account of clothing that had been stolen, and so on, does not cover this period when there was no strike?

Mr. White. Not if there was not anything going on like that, it most certainly

would not.

Senator LA Follette. Do you remember anything like that that was going on in 1936?

Mr. WHITE. No; I don't recall anything like that. Are there very many of

these particular type of vouchers, Senator?

Senator La Follette. There are quite a few of them.

Mr. White. They may have been covering the expenses of some of these men that the districts have had on the outside that Mr. Williams said he is going to check up and find out who they were. That is the only thing I can think of.

In this statement Mr. White, too, admitted that some of the expenses covered by blind vouchers were for men "on the outside," which is the company's generic designation for company policemen engaged

in labor espionage and rough shadowing, outside the plants.

Superintendent Williams previously admitted that he "may have mentioned the high spots" of espionage information to Mr. White, and the record shows that Mr. Richards, Mr. White's assistant, received the dittoed reports. Thus, there is no doubt that Mr. White knew that labor espionage as well as shadowing was being carried on by the Republic police department. On the stand Mr. White never denied that the Republic police engaged in labor espionage or rough shadowing, nor that he knew of these practices. his capacity as vice president, Mr. White approved blind vouchers only for the police department. It is impossible to believe, therefore, that Mr. White did not know what these unexplained vouchers represented, and why they were submitted in blank. The committee can come to no other conclusion than that the blind vouchers were a convenient cover under which espionage and rough shadowing were financed with the approval of the vice president in charge of operations of Republic Steel Corporation.

Mr. White insisted in testimony before the committee that the labor policy of the corporation is determined in conferences between himself and the district managers, and then the latter are entrusted with the execution of such policy.2 The district managers, too, approved blind vouchers for their respective captains of police.<sup>8</sup> They also received Mr. Williams' dittoed spy reports.<sup>4</sup> It is dear,

4 See p. 175.

<sup>&</sup>lt;sup>1</sup> Pt. 26, pp. 10906-10907. <sup>2</sup> Pt. 26, pp. 10899-10900. <sup>3</sup> Testimony of Pearce F. Boyer, pt. 25, p. 10446.

therefore, that all the people who actually determined labor policy, according to Mr. White, knew of the existence of labor espionage and rough shadowing, and approved expenditures therefor. The committee must conclude that labor espionage and rough shadowing were part of the corporation's labor policy, at least during 1935,

1936, and 1937.

In assessing responsibility for these features of the corporation's labor policy, the question arises as to whether they were carried on with the knowledge and consent of officials superior to the operating vice president. In this connection it is necessary to examine the statements and testimony of Tom M. Girdler, chairman of the board of directors. Mr. Girdler admitted the existence at Aliquippa, during his incumbency there, of all the elements of the repression of civil rights required to prevent employees from forming unions. He stated that he had his experience in labor policy in Aliquippa, and that his policies at Republic Steel Corporation did not differ from those at Aliquippa, except that he could no longer do some of the things that he could do at Aliquippa because of recent legislation. He did, however, bring with him from Jones & Laughlin Steel Co. many of his lieutenants who were well versed in the policies of Aliquippa.

During the "Little Steel" strike, Mr. Girdler publicly denied that his company uses coercion and intimidation against the employees. On June 24, 1937, he testified, under oath, before the Senate Com-

mittee on Post Offices and Post Roads:

There hasn't been any campaign of intimidation or coercion on the part of Republic or any coercion or intimidation on the part of Republic and Mr. Murray can't prove that there has been any coercion and intimidation on the part of Republic by any reputable witnesses.?

This statement was made during the heated controversy of the strike, when Mr. Girdler was seeking sympathetic public opinion. And it was made before a Senate committee which was not informed, through

investigation, of the repressive acts of Republic guards.

When Mr. Girdler appeared as a witness before this committee on August 11, 1938, the testimony of his police captains and superintendent of police concerning their labor-espionage activities, rough shadowing, and other types of antiunion intimidation, was rehearsed briefly for his benefit, for he had not bothered to read the record completely, and he testified that he could not recall what he had read:

Senator La Follette. \* \* \* Did you read any of the testimony about matters relating to labor espionage, undercover work, and the following of or-

ganizers by police?

Mr. GIRDLER. I don't remember that I read anything about the following of organizers by police, I don't remember reading anything about a man by the name of Vargo. I don't say I didn't read it, but if I did it made no impression on me because I don't remember.<sup>3</sup>

In a written statement, submitted to the committee, he asserted "flatly and emphatically" that any activity of the guards beyond the safeguarding of property and protection of employees "were without my knowledge."

Your committee has laid great stress upon the alleged activities of our police department along the line of labor espionage. Let me state flatly and emphatic-

Philip Murray, chairman, Steel Workers Organizing Committee.
 Hearings under S. Res. 140, 75th Cong., 1st sess., p. 236.
 Testimony of Tom M. Girdler on Aug. 11, 1938, pt. 34.

ally that any activities of our company guards beyond the safeguarding of our property against vandalism and sabotage and the protection of our employees from violence, were without my knowledge. There is no justification for espionage which is aimed against unionization of employees or which would, in any way, interfere with their collective bargaining rights.

This is radically different from the categorical denial of coercive tactics which Mr. Girdler made a year earlier before the Senate Committee on Post Offices and Post Roads. This claim of ignorance may throw the burden of guilt on subordinates, but it cannot absolve the management of responsibility. Mr. Girdler added that "explicit orders" against espionage had been given since the committee started its hearings on Republic Steel Corporation; that is, sometime after July 18, 1938.

Thus, in the past 2 years, in public statements and testimony before Senatorial committees, Mr. Girdler has, in turn, denied, professed ignorance, and admitted that Republic guards "erred" and had "lapses." It is not for this committee to evaluate Mr. Girdler's testimony before the Senate Committee on Post Offices and Post Roads. That testimony is relevant by insofar as it throws light

upon his assertations before this committee.

Although Mr. Girdler attempted to imply that there was nothing in the testimony of his people before this committee that conflicted with the labor policy of the corporation, his principal defense was one of ignorance. It is difficult for this committee to believe that a responsible official of so large a corporation as Republic Steel has failed to acquaint himself with the labor policies of his agents, policies which have been carried on for several years at the cost of tens of thousands of dollars covered by blind vouchers. The field of employee relations is one of the most important functions of an executive. Moreover, these relations have been subject to Federal legislation since 1933, to preserve the civil liberties of workers. Under these circumstances to claim ignorance of these repressive conditions affecting the lives of 50,000 workers, and affecting the relations of the corporation to the Government of the United States, is an abject confession of executive The seriousness of this situation is enhanced several fold since Mr. Girdler has assumed leadership of a large segment of the steel industry as the president of the American Iron and Steel Institute, and as a director and active participant in the counsels of the National Association of Manufacturers.

Mr. Girdler brought with him into Republic a group of men schooled in Aliquippa, proponents of the Aliquippa technique of repression, who immediately began organizing the police department of the new corporation. It would be a strain on the credulity of the committee to believe that Mr. Girdler could have helped knowing of the propensities of "Aliquippa alumni." He should have informed himself of their antilabor activities, particularly after the enactment of section 7 (a) of National Industrial Recovery Act in 1933 and the National Labor Relations Act in 1935. There is no indication that he gave any specific orders against these repressive acts until after July 18, 1938. From time to time letters have been addressed to employees and statements have been issued to the press, under the signature of Mr. Girdler, in which the workers' right of self-organization without coercion and intimidation has been claimed as a corporate policy.

<sup>1</sup> Pt. 34, exhibit 5251.

Yet, before this committee, Republic captains of police testified that they either were not informed or, if informed, did not pay attention to the company's professed labor policy. These underlings did carry on espionage and rough shadowing under the leadership of Superintendent Williams and the district managers, and with the knowledge and approval of Vice President White. Mr. White, it will be recalled, was superintendent at the Aliquippa works of Jones & Laughlin Steel Co. while Mr. Girdler was president. Mr. Girdler brought him over into Republic as one of his trusted lieutenants. This committee is not convinced, therefore, that these long-trusted subordinates of Mr. Girdler assumed the responsibility of spending thousands upon thousands of dollars of corporate funds in carrying on activities which violate national labor policy, and which negate the word of the corporation's own statements with respect to labor policy, without clearance from the highest executive of the company.

<sup>1</sup> See testimony of W. Earl Butler, Joseph F. Gilroy, and George E. Todd on August 11, 1938, pt. 34.

### CONCLUSION

## CHAPTER XI. SUMMARY FINDINGS AND LEGISLATIVE RECOMMENDATIONS

The evidence presented in the preceding pages of this report places upon the committee the burden of reaching definite conclusions with regard to specific acts and practices of the Harlan County Coal Operators' Association, the United States Coal & Coke Co., and Republic Steel Corporation. In addition to such specific findings of fact, the committee feels justified, on account of the long-standing character of the evils revealed, to reach certain general conclusions with respect to the effects of the participation of private police systems in the labor policies of interstate corporations.

Finally, on the basis of these specific and general conclusions, the committee feels in a position to make legislative recommendations to restrict and eradicate, if possible, the dangers that threaten the civil liberties of large bodies of American workingmen as a result of the injection of police methods into the delicate relationship between workers and managements. The findings of fact, general conclusions, the legislative objectives, and legislative remedies, are set forth in the

succeeding pages of this chapter.

## SECTION 1. SUMMARY FINDINGS OF FACT CONCERNING HARLAN COUNTY, KY.

1. In Harlan County, the committee found widespread existence of the company town, with all its attendant evils of company guards and deputies, company stores, scrip money, company houses, company doctors, and even company jails—all under the control of the coal operators. Coal mining is the principal industry in Harlan County; it gives employment to some 12,000 coal miners. Of the

60,000 people in the county, 45,000 live in company towns.

2. Absentee interests control the major part of the coal industry in Harlan County. In 1935 more than 75 percent of the coal produced in Harlan County was produced under absentee control. In 1935, of the 44 coal-mining companies which were in operation in the county, only 17 were under resident ownership, and 27 were under absentee control. The wages, hours, working conditions, and the opportunity to earn a livelihood of miners in Harlan County are dependent upon the policies formulated by absentee owners, located in distant industrial centers of the country.

3. The United States Steel Corporation controls the largest mining company in Harlan County, the United States Coal & Coke Co. The mines of the steel corporation in Harlan County are "captive mines," which produce coal for consumption by other units of the corporation and not for open-market sales. Of the 27 absentee-controlled coal companies in Harlan County, 4 operate captive mines. The 3 other

captive mines are likewise controlled by great corporate interests: the Koppers United Co., of Pittsburgh, Pa., a Mellon enterprise; the Commonwealth Edison Co., of Chicago, Ill., formerly controlled by Samuel Insull; and the Wisconsin Steel Co., of Chicago, Ill., a subsidiary of the International Harvester Co. The 4 companies operating captive mines in normal times produce over 30 percent of all the coal

produced in Harlan County.

4. Lynch, Ky., is the company town of the United States Coal & Coke Co., a subsidiary of the United States Steel Corporation. Everything in Lynch, except the schools and churches, is owned and controlled by the United States Coal & Coke Co. The roads, houses, stores, and theaters are all part of the company property. The residents of Lynch own no private property except their own personal belongings. People in Lynch are permitted to occupy their homes only so long as they are employed by the company. Lynch is the largest community in Harlan County, with a population of 12,000.

5. In Lynch, Ky., the private guards of the United States Coal & Coke Co. are the only law-enforcement officers. Although exercising public functions, the company police act as agents for the company, subject to the direction of the manager of the mines and the captain of the company police. The captain of police reported to and received instructions from the superintendent of police of the H. C. Frick Coke Co., of Pittsburgh, Pa., which is also a subsidiary of the United States Steel Corporation. In normal times the company police force con-

sisted of 13 men.

6. In Lynch, Ky., the company police force of the United States Coal & Coke Co. used its authority to deny to the residents of the town the rights of free speech and assembly, and the right to entertain guests of their own choosing. These guests were objectionable only insofar as they were suspected of being affiliated with a labor organization. The company police force undertook to prevent organizational efforts of the United Mine Workers after the passage of section 7 (a) of the National Industrial Recovery Act, in 1933. They refused union organizers admission into the town; they interfered with efforts to address the miners on the public highways; they confiscated union literature; they shadowed and threatened organizers, not only in Lynch, but even outside Harlan County.

7. In Lynch, Ky., the company police of the United States Coal & Coke Co. persecuted residents of the town and visiting labor organizers in open defiance of the national labor policy formulated by the Congress. Conditions of repression continued after the passage of the National Labor Relations Act, in 1935, as long as the United States Coal & Coke Co. remained hostile to the right of its employees to organize and refused to deal with the union. In 1938 these conditions were ameliorated after the company abandoned its opposition to col-

lective bargaining and signed a contract with the union.

8. The coal operators in Harlan County formulated a common labor policy through their association, the Harlan County Coal Operators' Association. In 1935, 26 of the 44 coal companies operating in Harlan County were members of this association. Except for the Black Mountain Corporation, affiliated with the Commonwealth Edison Co. of Chicago, Ill., the captive mines were not members of

the association. The association was organized in 1916. The revenue of the association is obtained through a tax which is levied upon

every ton of coal produced by each member.

9. The dominant influence in the Harlan County Coal Operators' Association were the companies operated by absentee interests. In 1935, 17 of the 26 active members of the association were under absentee control. In the same year the association received a total income of \$41,730, of which \$27,305 was contributed by companies subject to absentee control.

10. The coal operators in Harlan County acting in concert through the Harlan County Coal Operators' Association, engineered the supression of civil liberties in Harlan County with the connivance of the high sheriff, Theodore R. Middleton, who was in office from

January 1934 through December 1938.

11. The high sheriff of Harlan County surrendered to the coal operators the authority of his office by using his power to appoint deputy sheriffs selected, paid by, and under the control of the operators. From January 1934 to April 1937, High Sheriff Theodore R. Middleton appointed a total of 379 deputy sheriffs only 3 of whom were regularly employed by him out of public funds. All the rest were apparently

on private pay rolls, principally those of the coal operators.

12. Ben Unthank, "field man" of the Harlan County Coal Operators' Association, had at his disposal the associations' large slush fund, with which to reward deputy sheriffs who followed his leadership "in connection with resisting the efforts to organize the county." When miners in the county attempted to organize themselves into unions the association doubled the assessment on its members to raise funds in order to resist the organization drive. The assessments were doubled for a period of several months following the passage of the National Industrial Recovery Act, in 1933, the National Labor Relations Act in 1935, and once again from January 1937 through the time of the investigation conducted by this committee, March, April, and May, 1937.

13. Many Harlan County deputy sheriffs on the pay rolls of coal operators and their association had lengthy criminal records. Forty-three had been convicted of felonies and 64 had been indicted on one or more charges of murder, assault with intent to kill, and robbery.

14. Without fear of interference by the Harlan County law-enforcement officers, some of the coal operators maintained private bands of strong-armed men, composed of nondeputized supervisory employees. These private gangs terrorized union members within the coal camps and throughout the county at large, acting as auxiliaries to the force of privately-paid deputy sheriffs. The most notorious of these bands was the "thug gang" supported by Pearl Bassham, vice president and general manager of the Harlan Wallins Coal Corporation, and directed by one of his deputy sheriffs, Merle Middleton, a cousin of the high sheriff.

15. From 1933 to 1937, the deputy sheriffs, together with the private "thug gangs," maintained a reign of terror directed against miners and union organizers of Harlan County. This was done with the knowledge and consent of certain of the coal operators, who acted both individually and in concert through the Harlan County Coal Operators' Association. Rewards to the deputy sheriffs and other "thugs" for perpetrating acts of violence were made by the Harlan

County Coal Operators' Association through Ben Unthank. Ben Unthank fled the process of this committee and remained in hiding throughout the investigation. The secretary of the association destroyed its financial records and books of account to frustrate the

investigation conducted by this committee.

16. The Harlan County coal operators, through their deputy sheriffs and "thug gangs", continually harassed miners and prevented them from attending union meetings, from speaking at union meetings, and from distributing union literature. They even forced out of Harlan County, the minister of the Cornett Memorial Methodist Church, of Harlan town, because he had protested in his sermons

against violations of civil liberties in Harlan County.

17. In Harlan County, the deputy sheriffs and members of the "thug gangs" repeatedly fired on union organizers, from ambush on public highways, in open country, and even in their own homes. They kidnaped and assaulted union officers, and dynamited the homes of union organizers. They discharged tear gas bombs in a public hotel where union men were guests, endangering not only their lives but also the lives of the other guests in the hotel, including women, cripples, and small children. In numerous instances they seriously wounded union men by shooting them with dumdum bullets. Their terroristic acts culminated in the murder on February 9, 1937, of Bennett Musick, 17-year old son of Marshall A. Musick, union organizer and resident of Harlan County for 14 years.

18. The Harlan County coal operators subverted and corrupted the office of high sheriff, in the years 1934-37, through many extraordinary financial favors rendered to High Sheriff Theodore R. Middleton, who entered upon his term of public office as a man of small means and ir 3 years amassed a fortune of over \$100,000. The coal operators also extended financial favors to the Commonwealth attorney, Daniel

Boone Smith, and to County Judge Morris Saylor.

19. The conspiracy on the part of the coal operators to suppress civil liberties in Harlan County, abetted by a venal county administration, succeeded in preventing the miners in Harlan County from exercising their right of self-organization. The reign of terror carried out in furtherance of this conspiracy was directed against workers who were exercising the rights guaranteed by section 7 (a) of the National Industrial Recovery Act and by section 7 of the National Labor Relations Act.

20. Since the committee's investigation in March, April, and May 1937, the Harlan County Coal Operators' Association has signed a contract with the United Mine Workers of America, effective on September 1, 1938. The latest report received by the committee from Harlan County seems to indicate that at least for the time

being peace has been restored in Harlan County.

# SECTION 2. SUMMARY FINDINGS OF FACT CONCERNING REPUBLIC STEEL CORPORATION

1. In 1930 the present management of Republic Steel Corporation assumed control over the steel properties of Republic Iron & Steel Co., Central Alloy Steel Corporation, Bourne-Fuller Co., and Donner

Steel Co., Inc. Immediately, the new management undertook to reorganize the system of watchmen for plant protection which existed in these companies into a highly centralized police department under a military regime. The men were put in uniforms and were given arms.

2. Many individuals in the management of the newly created steel combine which took the name of Republic Steel Corporation had held various positions with Jones & Laughlin Steel Co. Tom M. Girdler, chairman of the board of directors of Republic Steel Corporation, had been superintendent of the Aliquippa, Pa., works and general manager and president of Jones & Laughlin Steel Co. Rufus J. Wysor, president of Republic, had held the position of general manager of Jones & Laughlin. Charles M. White, vice president in charge of operations of Republic, had been superintendent of Aliquippa works of Jones & Laughlin. James L. Williams, superintendent of Republic police, was the captain of police at Aliquippa under Mr. White, and followed Mr. White and Mr. Girdler to Republic. Thus, the traditional labor policy as exercised at the company town of Aliquippa for a long number of years was inbred in the management of Republic Steel Corporation.

3. When Tom M. Girdler was superintendent at Aliquippa the town was known as the "Siberia of America." Civil liberties and the rights of labor were suppressed by company police. Union organizers were driven out of town; labor espionage was rampant. Aliquippa was a spy-infested company town. Before this committee Mr. Girdler

did not deny these charges.

4. When the new management of Republic Steel Corporation was installed in 1930 the officers coming from Jones & Laughlin Steel Co.—the "Aliquippa alumni"—continued the same repressive policies that characterized their rule at Aliquippa. In the hands of this management the reorganized police departments in the different communities of Michigan, Ohio, Pennsylvania, and New York where Republic operates plants became instruments for suppressing the rights of their employees to freedom of speech, peaceable assembly, and freedom of the press, insofar as the employees sought to exercise these rights with reference to organization into unions.

5. The superintendent of police of Republic Steel Corporation, who has final authority in hiring and firing members of the police department, did not make any detailed or careful investigation of the character and background of the men he engaged. Professional strike-breakers, labor spies, and men with criminal records were hired by Superintendent Williams and his captains of police, to oppose the organizational drive of the Steel Workers Organizing Committee in

1936-37.

6. In May 1935, the Republic Steel Corporation precipitated a strike at the plant of the Berger Manufacturing Co., in Canton, Ohio, a wholly owned company, by refusing to deal with the representatives of the local of the American Federation of Labor. The local had been accredited by the National Labor Relations Board as the duly-chosen bargaining agency of the employees. Instead of bargaining with the accredited representatives of the union, the company bought over \$8,000 worth of munitions and mobilized its police force in Canton from other Republic properties as far away as Buffalo, N. Y.

7. On the morning of May 27, 1935, the picket line at the Berger Manufacturing Co. gate on Eleventh Street and Belden Avenue in Canton, Ohio, was peaceful. A small disturbance was caused by the appearance of Charles M. White, vice president in charge of operations, in front of the gate, accompanied by armed Republic guards. Bystanders testified that Mr. White used provocative language. He himself admitted engaging in a fist fight with one of the men on the picket line. Otherwise picketing was peaceful and those who wanted to go to work proceeded into the plant unhindered and unmolested.

8. During the first day of the Berger strike in 1935, the Republic guards aggravated the temper of the pickets and sympathizers by rushing an armored truck in and out of the Berger gate, accompanied by armed guards, giving the impression that strikebreakers were being transported into the plant. The manner in which the armored truck was driven in and out of the plant, disregarding the safety of the people, provoked the ire of the strikers. After a while, an aroused crowd began to throw stones at the armored truck. Then, at about 4:50 p. m., one group of armed Republic guards came out in an armored truck and another group emerged from the Berger gate on Eleventh Street. Both attacked the pickets and bystanders with gas and gun shots. Fourteen people were hospitalized and many more received less serious injuries, including a group of school children who were trapped between the two groups of attacking Republic guards.

9. The activities of Republic guards on Monday afternoon, May 27, 1935, caused employees of the Alloy plants in Canton, also owned

by Republic, to go on strike on Tuesday, May 28, 1935.

10. Republic guards continued their depredations on Tuesday and Wednesday, May 28 and 29, 1935, shooting a pregnant woman 2 miles from the Berger gate and injuring many other persons. Scores of persons were shot, gassed, and clubbed by Republic guards. The corporation had to pay upwards of \$46,000 in damages to persons injured

by its guards.

11. The city solicitor of Canton, Ohio, the sheriff of Stark County, and police officers on active duty, unanimously held the Republic guards responsible for the violence perpetrated during the Berger strike of May 1935. Before this committee, Rufus J. Wysor characterized the events during the Berger strike as "regrettable," and Tom M. Girdler, chairman of the board of directors of the corporation, admitted that Republic guards, in the "excitement," had "erred"

during this strike.

12. In the Berger strike of 1935 Republic Steel Corporation had spies on the picket line who befriended the strike leaders and passed the information so obtained on to the captain of plant police. The wife of one of these spies was joint recipient of money from the corporation, and she too obtained infomation from the wives of strike leaders. These spies held the position of president and publicity representative of a union in the Stark Rolling Mills, which also went on strike in sympathy with Berger employees. These spies also participated in the counsels of a strategy committee of various labor organizations, which was organized to aid the Berger strikers.

13. The Berger strike was broken by the brutal attacks of the Republic guards, by the activities of spies, and by a back-to-work vote in which Berger employees were not allowed to participate. The vote was open only to employees of neighboring Republic plants.

14. After the Berger strike, particularly after the organizing campaign of the Steel Workers Organizing Committee started in June 1936, Republic Steel Corporation continued its repressive policies

through its police department.

15. Republic Steel Corporation planted its own spies in the ranks of labor unions. Such spies in some cases became officers of unions or members of union committees and were in a position to obtain, and in many cases did obtain, confidential information on union membership, finances, and plans. Such information was transmitted, verbally and in writing, to the captains of the corporation's police departments in the various cities where plants were located and to the superintendent of police of the corporation at the home office.

16. James L. Williams, superintendent of police of Republic Steel Corporation, admitted that he received labor-spy information not only from his own far-flung espionage system, which spread over the cities of Chicago, Buffalo, Cleveland, Youngstown, but from other places where the corporation operated. He also exchanged labor spy information with the chiefs of police of the following steel corporations:

- The Youngstown Sheet & Tube Co.
   Carnegie-Illinois Steel Corporation.<sup>1</sup>
- 3. National Steel Corporation.

4. Otis Steel Co.

5. Jones & Laughlin Steel Co.

Mr. Williams also mentioned among the companies with which he exchanged spy information the Ohio Brass Co., of Mansfield, Ohio, and the Ohio Seamless Tube Co., of Shelby, Ohio.

James M. Woltz, supervisor of police in the Youngstown district of the Youngstown Sheet & Tube Co., admitted that he exchanged labor-spy reports with Mr. Williams and added that he exchanged copies of spy reports also with the American Steel & Wire Co., of

Cleveland, Ohio.

The Republic police department wrote up the spy information pooled from all sources in the form of reports, duplicated these reports, and sent them to the corporation's own police force, to its district managers, and to its executives in charge of operations. Reports were also sent to the police departments of the steel companies which were part of this espionage exchange. The committee found copies of spy reports of Republic Steel Corporation in the files of the Chicago office of the National Metal Trades Association, an employers' association, which rendered extensive espionage service to its nearly 1,000 members.

17. The Republic Steel Corporation police department has made it a regular policy to shadow union organizers and leaders, openly and secretly, for the purpose of curtailing their opportunities for contact with steel workers.

A subsidiary of the United States Steel Corporation.

18. The Republic Steel Corporation police force has interfered with

the distribution of union literature on public highways.

19. On many occasions union organizers attempting to organize employees of Republic Steel Corporation were assaulted and severely injured. They identified their assailants as members of the Republic police force. The accused denied the charges. In one episode taking place in Buffalo, N. Y., the record is clear that four Republic guards did assault and beat union organizers. In view of the whole record, the committee cannot but feel that such assaults and intimidatory action were not out of line with the character and conduct of Republic Steel Corporation's police.

20. After the organizational drive of the Steel Workers Organizing Committee began in the summer of 1936, the Republic Steel Corporation increased its police force from 290 to as high as 390, in order to expand its labor-espionage and "rough shadowing" activities.

21. The expenses of Republic Steel Corporation for espionage and "rough shadowing" activities were covered by blind vouchers submitted for payment to the comptroller, with the approval of Charles M. White, the vice president in charge of operations. No specific itemization of expenses and no adequate designation of the purpose for which the funds were spent, was indicated. This unusual privilege of obtaining large sums of money from the corporation through blind vouchers was granted only to the police department.

#### SECTION 3. GENERAL CONCLUSIONS

The operations of private police systems described in this report offer a basis for generalized conclusions concerning the consequences that flow from the use of private armed guards as employers' agents in labor relations. These consequences are particularly grave in their influence upon the civil rights of citizens, the maintenance of public peace and safety, the operations of the economic system, and the functioning of government.

The experiences in Harlan County, Ky., and in the industrial communities where Republic Steel Corporation operates, indicate clearly that where private police systems are used as instruments of antiunion policy, they (a) abridge and violate the civil liberties of workers and other individuals; (b) violate the rights of labor guaranteed by Federal statutes; (c) result in riots and bloodshed, causing loss of life and injury to persons and property; and (d) endanger the public

safety.

On the economic front, the use of private police systems as agents in employers' antiunion policy, causes disorganization of markets and interruptions in the free flow of commerce. The ruthless and brutal activities of armed private guards to prevent union organization (a) give unfair competitive advantage to those employers who oppress labor; (b) create bitterness between labor and management; (c) lead to strikes; and (d) cause interruptions in the flow of commerce.

The use of private deputies in an antiunion campaign is inimical to the maintenance of orderly representative government. It leads to (a) private usurpation of public authority; (b) corruption of public officials; (c) oppression of large groups of citizens under the authority of the State; and (d) perversion of representative government.

<sup>1</sup> For definition of "rough shadowing," see p 53.

#### SECTION 4. LEGISLATIVE OBJECTIVES

This report indicates that private armed forces must cease to be used as instruments of antiunion policies in time of peace as well as in time of industrial disputes. Furthermore, the deputization of employer's antiunion forces must be eliminated in the interest of preserving representative government. The functions of private police must be restricted to the protection of plants and property

and to the preservation of order within the plants.

Where company-paid guards are deputized with unlimited authority, exercisable outside the confines of private property, we are faced with the grave problem of the responsible functions of public officials The ostensib y being usurped by the agents of private corporations. unbiased and nonpartisan functions of public-police authority may be, and often have been, used by private corporations to suppress the civil liberties of workers under the guise of upholding the law. unwarranted assumption of public authority by private guards is not to be tolerated in any American community proud of its traditions of freedom and fairness and the principles of impartial administration of justice upon which the welfare and stability of a democratic community depends.

Some States have adopted safeguards against the dangers of private usurpation of public authority. The measures taken by these States have, in general, followed three separate approaches. which is common in the statutes of some is that which prevents public officers from deputizing nonresidents to act as peace officers. statutes, in the most part, were adopted following the depredations committed by the Pinkerton private police, who were sent about the country in bands, to break strikes on behalf of large railroad, mining, and steel companies. A typical statute was adopted in Pennsylvania on May 29, 1893,1 following the notorious Homestead incident, during the strike at the Carnegie Steel Corporation. This statute required all special deputies to be citizens of the Commonwealth.

More recently, in response to widespread complaints against the character of the persons who had been appointed to serve as special deputies, some States have begun to establish standards to insure the selection of reputable persons to act as peace officers. The State of Kentucky, for example, forbids the appointment of any person to serve

as a special police officer who—

has ever been convicted of or who is under indictment for a crime involving moral turpitude under the laws of this Commonwealth or of any other State or of the United States.<sup>2</sup>

The Kentucky law also recognizes that persons who have hired themselves out as guards during labor disputes are unfit to serve as public This conclusion is abundantly confirmed by the evipeace officers. dence in the record of this committee.3 Provisions similar to the Kentucky law have been enacted by the Commonwealth of Pennsylvania.4

Purdon's Annotated Code, title 18, ch. 5, sec. 871, p. 142.

Kentucky Code, sec. 3766a-5d. Kentucky Acts, 1938, ch. 49, effective May 31, 1938.

Kentucky Code, sec. 3766a-5e. Kentucky acts, 1938, ch. 49, effective May 31, 1938.

Purdon's Annotated Code, Supplement of 1937, title 16,, ch. 1, sec. 192, p. 17, 1937, June 4, PI-1595. The Pennsylvania law also requires a sheriff to select deputies from a list of qualified individuals which has been posted in a public place for 10 days prior to their appointment therefrom.

Of more immediate concern to the subject of this report is recognition of the misdeeds which have resulted in so many tragic incidents of violence, perpetrated by privately paid police officers. States have taken steps to prohibit the deputization of men on private In West Virginia the law forbids private compensation to deputy sheriffs, whether made directly or indirectly, for the performance of their official duties. Similar provisions are included in the Kentucky law.2 A more elaborate provision was made in the Pennsylvania statute which reads:

\$192e. Private gifts or payments to police officers prohibited; state not to accept gifts of military supplies.—No State police, sheriff, deputy sheriff, constable, deputy constable, detective, police or other peace officer of this Commonwealth or of any political subdivision thereof, (collectively referred to in this act as "officers"), shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services: Provided, however, That nothing herein contained shall prohibit such officers from serving writs and other legal process as now authorized by law. Any compensation payable to any officer for official duties and services shall be paid only out of the public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not constitute public funds within the meaning of this section.

The Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by, any

person, association or corporation.3

Thus the direction of current State legislation has been moving toward improving the caliber and preserving the impartiality of public law-enforcement officers during labor disputes. Wider recognition by the States of this principle will eliminate a frequent source of violence during periods of labor trouble, will curtail opportunities for violation of civil liberties under the cloak of public authority, and will lead to a greater respect for governmental authority.

The iniquitous conditions resulting from privately paid peace officers should be corrected by State legislatures, following the example of Pennsylvania and Kentucky. Great industrial States like Ohio have completely inadequate regulations. Citizens in the South are in general unprotected from the actions of privately paid deputies. Today State regulation of the deputization of private police is totally

inadequate throughout most of the Nation.

The use of privately paid armed guards to suppress the civil liberties of workers in time of industrial peace, and to provoke riots and demoralize workers by inflicting injury to persons and property during strikes, is also an anomaly in an orderly democratic community. legislation specifically reaching the problem is nonexistent. National Labor Relations Act does not offer remedies directly applicable to the activities of private police when these activities constitute,\_ in and of themselves, violations of civil liberties and infringements of duly constituted governmental power. The Byrnes Act, as

West Virginia Code, sec. 295, subsec. (1), p. 98.
 Kentucky Code, sec. 3766a, 15 ff.
 Purdon's Annotated Statutes Supplement 1937, title 16, ch. 1, sec. 192 (et. seq.).

amended in 1938, which makes it a Federal crime to transport persons in interstate commerce for the purpose of interfering with peaceful picketing and the rights of labor, applies to any such transportation of company policemen as well as to the traffic of detective agencies. Obviously it does not cover the activities of company policemen where there is no transportation across State lines.

Hitherto the impression has gone abroad that certain commercialized espionage and strikebreaking services have been primarily responsible for the perpetration of violent methods of suppressing workers' right of self-expression; they have been held responsible for creating unnecessary disturbances and riots resulting in destruction of property and bloodshed. It is true that this committee's record clearly indicates that such commercial agencies have, in the past, specialized in the art of creating industrial strife in order to increase demand for their services. It is unquestionable that the control of such services. by the States and by the Federal Government, will result in alleviation. and eradication of some of the most serious cases of malfeasance by irresponsible guards, spies, finks, and other classes of the debased and degenerate fringes of industrial life. Such control, however desirable and necessary, will not by itself achieve the complete uprooting of the evils perpetrated by the use of strong-arm methods in labor relations. It will restrict the source of supply of the front rank of the phalanx of employers' industrial shock troops, but it will not diminish the demand for their services.

With the right of employing private armies for the same purpose unabridged, emphasis will naturally fall upon the organization and maintenance of the corporation's own army of industrial fighters, instead of upon commercialized outside agencies. This has been achieved by companies like Republic Steel Corporation. There is every indication that, with the increasing expansion of corporate control over wider areas of industrial operations reaching into many States, such self-contained private military organizations are considered both economical and effective. They will become the typical instrumentality of resisting the right of labor to organize unless definite limitations upon the scope and character of their activities are placed by the Federal Government and by the several States.

#### SECTION 5. LEGISLATIVE RECOMMENDATIONS

The functions of private police systems must be restricted to the protection of plant and property. Employers using the channels of interstate commerce should not be permitted to spread and perpetuate a system of repressing the civil rights guaranteed by the Federal Constitution and Federal legislation. When company-controlled police systems cover several States and affect the activities of thousands of workers, it is the place of the Federal Government to intervene. In the interest of industrial peace and the uninterrupted functioning of the national economic system, it is necessary that Federal action confine company police systems to their proper duty of protecting plant and property.

<sup>52</sup> Stat. 1242, 18 U. S. C. A. 407a.

In recommending legislation to correct the evils of company police systems the committee is scrupulous not to interfere with the right of the employer to police his premises or employ persons for the legitimate functions of protection. The committee does not feel that at this time the Congress should undertake detailed regulation of the personnel and conduct of the police systems of employers. Rather it should define those practices which have led to the infringement of civil liberties and industrial disorder and make their commission an offense. In only one respect does it seem advisable to regulate the personnel which employers may hire, and that is to prohibit the employment as armed guards of persons who have previous criminal records showing a tendency toward violence or the dangerous use of deadly weapons.

Legislative remedies, in the opinion of the committee, should be designed to prohibit labor espionage and the rough shadowing, coercion, and intimidation of workers in ordinary times, and to restrict company police to company property during times of strike. A statutory prohibition of these practices of private police systems, carefully defined, will also cover the similar practices of detective and strikebreaking agencies. To this end, the committee is drafting

legislation which will shortly be submitted to the Congress.

ROBERT M. LA FOLLETTE, Jr. ELBERT D. THOMAS.

### APPENDIX

APPENDIX A. ANALYSES OF AFFIDAVITS SUBMITTED BY REPUBLIC STEEL CORPORATION RELATING TO THE BERGER STRIKE OF 1935

By the morning of the third day of the committee's hearings on the "Little Steel" companies, July 20, 1938, the details of the violence on May 27, 28, and 29, 1935, during the strike at the Berger Manufacturing Co. had been spread on the records. Thomas F. Patton, general counsel, Republic Steel Corporation, asked that the committee subpens certain other witnesses "who will give another version of the testimony." He stated:

Senator, just before we start, I would like to make this remark. Up to this time, you have received evidence about the 1935 Berger strike mainly from people who were hurt or who were not employees of the company and are obviously hostile to the company, consequently a one-sided version of this incident has gone into the record up to this time.

I am certain that you want a full, fair, and accurate picture of that situation as you indicated yesterday, and I would like to ask you now to subpena certain witnesses who will give you another version of the testimony, another version of

that incident.

Senator LA FOLLETTE. Will you submit a list and we will be glad to give it

consideration and confer with you.

Mr. Patton. I give you a list of 12 names (handing paper to Senator La Follette) and will give you a good many more before the day is out. That will give you quite a different picture.

At the end of the hearing of August 10, 1938, the next to the last day of hearings on "Little Steel," Senator La Follette stated that the 12 persons whose names had been submitted by Mr. Patton would be interviewed by a representative of the committee, and that if their testimony would give, as Mr. Patton stated, "another version of the testimony," and if the committee "determines that they have knowledge of material parts without which the record would be distorted or inadequate, then testimony or affidavits will be obtained for the record." This offer was repeated on August 11, the last day of the hearings, and the following agreement was reached with counsel for Republic Steel Corporation:

Mr. Patton. Mr. Chairman, we have talked once or twice about a number of witnesses whose names and the substance of the testimony of whom have been made available to the committee. It is my understanding, and if it isn't correct, I would like to be corrected, that you are going to send one of your staff to investigate these things and at the proper time incorporate them in the record in affidavit form.

Senator LA FOLLETTE. I made a statement for the record last night, Mr. Patton, I don't suppose you have had time to read it.

Mr. Patton. I haven't seen it.

Senator LA FOLLETTE. In which I said that these proceedings are not in the nature of adversary proceedings, that because of the limitation of time and money

<sup>&</sup>lt;sup>1</sup> Testimony of Thomas F. Patton, pt. 24, p. 10077. <sup>2</sup> Statement of Senator La Follette at the hearing of August 10, 1938, appearing in pt. 33.

this committee of necessity has to make a selection of witnesses to the best of its ability in an effort to present an accurate picture of the events and incidents which it investigates. I stated that you had submitted a list of 12 witnesses and that I had conferred with you about it, and that my understanding was that the committee would send a representative to interview these witnesses, and you may designate someone to be present if you desire, and that statements would be taken. Then, if, after they were taken, the committee found that their testimony was essential to the balance and impartiality of these hearings, that they would be inserted in the record in affidavit form, rather than having them called before the committee, which is the arrangement which we have made with numerous other persons who have appeared before the committee.

Mr. Patton. Well, for the record I would like to state that we feel that the

Mr. Patton. Well, for the record I would like to state that we feel that the testimony of each and everyone of those witnesses is pertinent and that the testimony introduced up to date is not, in our opinion, sufficient to give a full understanding of the entire situation, and that we think all of them should be included

in the record.

Senator LA FOLLETTE. Mr. Patton, if there is any doubt in your mind after these statements are returned to Washington, I would be glad to arrange at some convenient time for you to sit down with me and we will go over them, and I am sure that you and I will have no difficulty about agreeing upon those that are to be inserted in the record.

Mr. PATTON. Very good.

Senator LA FOLLETTE. And if we have any difficulty I will call a special meeting of the committee so you will have a full opportunity to interpose for the record any objections which you may make to my decision.

Mr. Patton. All right.

Pursuant to this agreement, two investigators of the committee went to Canton, Ohio, on August 18, 1938. In the presence of Mr. William B. Belden, counsel for Republic Steel Corporation, and Mr. A. J. Blantz, a notary employed by Republic Steel Corporation, the committee investigators interviewed the 12 persons designated by Mr. Patton, and took affidavits from them which are printed as a part of the record.<sup>2</sup>

In submitting the names of these affiants and requesting the committee to take their testimony, Mr. Patton stated that they would provide another "version of the testimony, another version of that incident." An examination of the affidavits proves that they do not give another version of the testimony adduced at the hearing, nor do they alter the conclusions of the committee with regard to any incidents fully covered by the testimony. They contain only supplemental or cumulative material with regard to the strike as a whole.

Chapter 7 of this report is concerned only with the activities of the company police during the strike. Only 1 of the 12 affiants stated that he witnessed any clashes or altercations between the pickets or strikers and the company police. The statements of the affiant who swore that he did observe a clash between the company police and the pickets will be fully examined below.

As far as this report is concerned, therefore, all these affidavits with the one exception might well be disregarded and reserved for more exhaustive consideration in the committee's forthcoming report on labor relations of the "Little Steel" companies. However, since it may be asserted that the incidents recounted in the affidavits with

<sup>&</sup>lt;sup>1</sup> Testimony of Thomas F. Patton on August 11, 1938, pt. 34.

<sup>2</sup> See pt. 24, pp. 10299-10306. In an affidavit accompanying the depositions of these 12 persons, committee investgators state: "After the interviews, the statements of all 12 persons were discussed by deponents with Messrs. Belden and Blantz and affidavits prepared by deponents with the aid and suggestions of Messrs. Belden and Blantz. Said affidavits included all information related by the said 12 persons which deponents or Messrs. Belden and Blantz considered pertinent to the committee's inquiry."

regard to the pickets and strikers, might have served as a justification for the conduct of the company police, consideration of them will be undertaken at this point. Before a detailed analysis can be made of the affidavits the sequence of events occurring during the strike must be summarized, in order to provide a background for weighing the affidavits.

The record of the committee, without the affidavits, shows the

following story of the strike:

The strike was called by the Loyalty local, composed of employees of the Berger Manufacturing Co. plant. Picketing began at 9 p. m. on May 26 and continued throughout the night. This picketing was peaceful. At 7:30 a. m., on the morning of Monday, May 27, picketing was still peaceful, by all accounts, and some employees were entering the plants through the picket lines, without molestation. About this time Charles M. White, operating vice president of Republic Steel Corporation, appeared outside the plant and engaged in an altercation with some of the pickets. This altercation ended in a fist fight. The company police intervened, slugging one picket severely. After this

incident peaceful picketing was resumed.

This altercation occurred at the time of the change of shifts. There is no question that the strike was effective in preventing the operation of the plant. James L. Williams, superintendent of police of Republic Steel Corporation, testified that only 171 out of the total of 470 employees were inside the plant.2 As a consequence, the company began to hire new employees, some of whom, according to the testimony of company officials, had been previously employed, and others of whom had filed applications for employment. The committee has only the testimony of company officials on this matter, and there is nothing to indicate that the company used professional strikebreakers.3 It is not clear how many such new employees were brought into the plant on the morning of May 27. The union witnesses and Darrell D. Smith, then business agent for the milk drivers' union in Canton, testified that armored trucks made frequent trips through the picket line on the morning of May 27, in such a manner as to The testimony of company officials, while not imperil the pickets. positive on this point, suggested that these trips were made for the purpose of bringing in new employees. Mr. Smith testified that he saw an armored truck on one such an excursion drive to a deserted locality outside the town, that the truck picked up no new employees on this trip, and reentered the plant shortly thereafter. the purpose of these trips, there is no doubt that the manner in which the trucks were driven through the crowded streets, under the protection of armed guards, clearly increased the tension of the picket line.

All seems to have gone well, however, until approximately 3:30 in the afternoon, at which time there was a change of shift, and some of the employees were taken home in cars and trucks. The record is clear that on some of these trips the trucks, as they passed out of the plant, were stoned by pickets or others. The identity of those who threw

<sup>1</sup> Testimony of Lester P. Rice, president of the local, pt. 23, p. 9800.

<sup>3</sup> Testimony of James L. Williams, pt. 24, p. 10152; and testimony of Charles M. White, pt. 24, p. 10011.

the stones, other than that they were among the crowd of strikers, sympathizers, and bystanders in the street, is not clearly established. Union witnesses stated that they were a group of boys, from 16 to 20 years of age, without denying that they were strikers. That the situation was tense is indicated by the testimony of Lester P. Rice, president of the union, who, after the trucks had made several trips, went with the union attorney to call upon the mayor to request police protection for the pickets and police supervision of the strike area. This was the first request for police protection made by either party to the dispute. The company did not report rock-throwing to the police nor request police protection at this time. Shortly after 4:30 p. m. a truck load of guards came out of the plant. The guards assaulted the pickets and bystanders, as has been described fully in the body of this report. It is clear this brutal assault had as its objective the clearing of the streets and the intimidation of the strikers. Mr. White's testimony to the contrary is hearsay and inconsistent with the facts of the situation as described by eyewitnesses.

The effect of this sally on the part of the company police was immediate. The strikers were stirred to retaliate and did so by wrecking and burning one of the armored trucks. Strike leaders appealed to the city council that evening and laid the events of the day before them. The city solicitor interviewed the mayor. Up to this time the company had made no appeal to the city or county

authorities, or done anything to invoke the law in its favor.

After the assault by the company guards the strike spread to other plants in Canton. At its meeting on the evening of May 27 the Arin lodge of the Amalgamated, composed of workers in Republic's alloy plants, and which was, at that time, also requesting the company for recognition, voted to go on strike. The determination of members of this local to strike was increased by the evidence of company preparation, such as armoring trucks and manufacturing clubs, which had been going on in the plant for some time previous, as well as by the conduct of the company's police. This local began to picket at the entrance to the alloy plants on Eighth Street near the main office of the plant, and at the corner of Eighth and Belden on May 28. At about the same time individual members of the Amalgamated lodge in the Stark Rolling Mills, also in Canton, began to participate in the strike. The Stark Rolling Mills lodge took no action, as a body, in support of the strike, but popular resentment and excitement was at such a pitch that many members of the local could not be restrained from striking.

By the morning of Tuesday, May 28, picketing by members of the Canton Alloy plants was effective, and the rolling mills were closed down.<sup>2</sup> On May 28 the company guards apparently extended their activities beyond the entrance to the Berger plant. At noon of May 28 Mary Reed and a number of other people having no connection with the strike were fired upon by persons identified only as "Republic guards," on Trump Road, out of sight of the entrance to the plant. According to the testimony of Richard R. France, chief deputy sheriff, based on official reports of his deputies to him, deputies stationed at

<sup>&</sup>lt;sup>1</sup> Testimony of Kenneth J. Sodders, pt. 24, p. 10099. See also testimony of Guy L. Sweany, pt. 24, p. 10078.

a gate of the plant near Trump Road stated they heard shooting at this time and shortly thereafter two automobiles, bearing Pennsyl-

vania and Ohio license plates drove through the plant gate.

At about 4 o'clock in the afternoon of May 28 the city solicitor, the mayor, and the sheriff had a conference with Vice President White. This conference was not requested by White but by the city officials. At this conference White for the first time requested police protection for employees who had continued at work. This request was interposed by him in response to the charges made against the company guards by the local authorities. At this conference Mr. White displayed a belligerent attitude. In spite of the remonstrances of the city officials the company guards continued their forays. In the evening they again gassed the area around the Berger gate and at 11 p. m. they discharged gas and other weapons at the corner of Eighth Street and Belden Avenue resulting in the injury to George Milhelm, recounted above. At that time Eighth Street and Belden Avenue was apparently being picketed by striking employees of the Canton Alloy plants.

It should be noted that the area outside the city limits of Canton, as shown on the map which appears at the end of this appendix, was being patrolled on May 28 by deputy sheriffs, stationed near the railroad at Trump Road and at the main office of the company, and who cruised back and forth between these two points continuously.

On May 29, which was Wednesday, the city police erected barricades around the picket area, in order to keep bystanders and observers out of the danger zone.2 A company truck and a convoy car, issuing from the main office of the plant at about 11 a.m., encountered violence from pickets at the corner of Eighth Street and Belden Avenue. City policemen had been ordered to halt any trucks or cars from which gas shells or gas bombs were being discharged. Officers Marconi and Ritz stationed themselves near the Berger entrance pursuant to these orders. The armored truck, which had left the main office at about 11 a. m.. returned via the Berger entrance at 1:30 p. m., discharging tear gas as it came. Disregarding the orders of these officers to halt, the guards in the truck fired gas at them. In return the officers emptied their revolvers at the truck to no avail. It was in this incident that Charles Minor was injured. Remonstrances and police action having failed to curb the activity of Republic's guards, City Solicitor Rodgers turned to the courts, and on May 29 filed a petition for an injunction against the company. After this legal action had been taken the guards kept off the streets. All the testimony in the record confirms the impression that after May 29 comparative order was restored to the town. The back-to-work vote occurred on Saturday, June 1.

On the face of this record it is clear that the city and county lawenforcement officials regarded the company guards as the most important cause of the prevailing disorder. There is clear evidence that, beginning in the afternoon of May 27, there was some disorder among the pickets, which increased on May 28. This disorder varied in intensity, being more acute when the armored trucks appeared. It consisted chiefly of throwing stones at the trucks. There is no

<sup>&</sup>lt;sup>1</sup> Testimony of Richard R. France, pt. 24, pp. 10048 ff. <sup>2</sup> Testimony of Lester P. Rice, pt. 24, p. 9986.

evidence that firearms were used by the strikers or strike sympathizers. Likewise, there is no doubt that the strike had begun peacefully and

had continued so up until the afternoon of May 27.

With this background of events it is possible to analyze the 12 affidavits. Four of these affidavits were made by employees of the Berger Manufacturing Co., and include descriptions of the character of the picketing near the Berger plant on May 27. Eight of these affidavits, the remainder, were made by employees of the Central Alloy district of the Republic Steel Corporation. They deal with the picketing of employees of the Central Alloy district, at the corner of Eighth Street and Belden Avenue, and at the main office of the corporation on Eighth Street on May 28 and subsequent days. Of these affiants, one was a foreman and one an assistant foreman. Five or six were either clerical or technical employees. The others were production employees.

The four affidavits of the Berger employees all agree that on the morning of May 27 when they entered the plant the picketing was peaceful, and there were no stones or clubs in the possession of the pickets. In this respect these affiants are confirmed by the committee's These four affiants state that in the afternoon, after 3:30 p. m., when the shift changed, the picket line became unruly, some of the pickets had stones and clubs and some of the cars leaving the Two of these four affiants left the plant shortly plant were stoned. after 3:30 p. m. and they state that rocks were thrown at their automobiles, breaking the glass and causing injury to them. One of the other two, Ruel Johnson, a foreman, left the plant in the morning and returned to it about 1 p. m., without difficulty, although he stated that some pickets had clubs and bricks at that time. The general credibility of this affiant's statement is open to question, as will be seen below.

The other eight affidavits described incidents involving the pickets in the area between Eighth Street, Belden Avenue, and Georgetown Road, to the south of the Republic properties in Canton. It will be remembered that the strike of the Central Alloy employees was precipitated by the conduct of the company guards on May 27. The actions of the guards in driving around the streets, in assaulting pickets, and in discharging tear gas, caused excitement throughout the town. While the throwing of stones and bearing of clubs by pickets cannot be condoned, in this case at least it can be explained as the reaction to the brutal conduct of the company guards. These eight affidavits amplify but do not change the committee's record. That picketing on the 28th and thereafter was unruly, particularly in the Eighth Street area, is already evident from the record. The affidavits do not, as Mr. Patton promised, provide "another version of the testimony." While there are statements in two of these affidavits that a picket was seen carrying a pistol, there is no evidence that any of the strikers used firearms.

In substantiation of this summary, it is necessary to analyze each of the 12 affidavits in detail. Those of the four Berger employees may be examined as a group. They are: Morris E. Fuller, Wakefield

W. Nesbitt, Ruel Johnson, and Vincent Moulin.

Affiant Morris E. Fuller stated that in 1935 he was employed by the Berger Manufacturing Co. as an assistant foreman. In 1934 he was president of the Loyalty local for 3 months, but had resigned from the union. He explained:

When the Union began to get radical I resigned. At this time my position as Assistant Foreman became permanent and this was another reason for my resignation. After I quit the Union I advised the men who worked under me to get out also. Some of these were men whom I had previously urged to join the Union.<sup>1</sup>

Mr. Fuller can be classed as friendly toward the company. Therefore his testimony with regard to the condition of the picket line and the free access of nonstriking workers into the plant on Monday morning, May 27, 1935, is of special interest. The affidavit states:

There was a large number of pickets in front of the plant but I saw no clubs or stones in their possession, and I heard no threats made to any of the men nor did I see any force used to keep them from going into the plant.

This supports the testimony in the record that the picket line was peaceful on the morning of the first day of the strike.

Mr. Fuller also corroborates the evidence in the record with regard to the occurrences during the middle of the afternoon:

The pickets had clubs but I did not see any guns. There were two or three armored trucks in the driveway. At 3:30 they were escorted by guards but I did not see any arms on them. The pickets threw a few stones at the first truck and the other trucks were heavily stoned. I saw no shooting and no tear gas during the afternoon since I went back into the plant shortly after 3:30 p. m.<sup>1</sup>

Mr. Fuller merely repeats what other witnesses have said, that stones were thrown at the armored trucks leaving the plant after 3:30 in the afternoon of May 27. The change in temper of the picket line, apparently attributable to the fact that all day long the armored trucks had been traveling back and forth at high speed, has been amply discussed above. Mr. Fuller did not witness the riot of Monday afternoon, which took place after 4:30 p. m., for he had gone back into the plant at 3:30 p. m. This explains why he did not see any shooting. He later did see a truck that had been burned in a ditch but, he said, "I did not see any pickets turn it over."

On Tuesday, May 28, 1935, Mr. Fuller went back to work and stayed in the plant until the strike was over. He states that—

picketing continued during the week and I saw one picket with a gun but there was no special disturbance.1

Mr. Fuller does not explain how he happened to be observing the picket line and how he noticed a gun of an indeterminate type while he was in the plant.

On the claim of union witnesses that Republic Steel Corporation discriminated against strikers after the strike, Mr. Fuller's statement as an assistant foreman is significant.

Of the fourteen men in my department who were really radical, three or four did not try to get their jobs back after the strike was over and three or four tried but were unsuccessful. I do not know whether the balance of these fourteen attempted to return or not—none of the fourteen returned however.

The net effect of Mr. Fuller's affidavit is to reenforce the testimony already adduced from witnesses who appeared before the committee.

<sup>1</sup> Pt. 24, p. 10300.

Another affiant, Wakefield W. Nesbitt, substantially supports the statements of Mr. Fuller. On the morning of May 27, 1935, he observed the pickets to be peaceful:

Some of us met in front of the clock house to decide whether or not we would work. I decided to go in and even though pickets were present no one attempted forcibly to prevent my entering.1

In the afternoon, Mr. Nesbitt said, "several thousand strikers and strike sympathizers were gathered in front of the plant." This is an obvious exaggeration. Not even the company policemen who appeared before the committee and who were present at the Berger gate at this time claimed such a large crowd upon the scene. In any event, Mr. Nesbitt swore that "many of the pickets carried stones and clubs, but I did not see any of them carry guns."2 Mr. Nesbitt left the plant in a car escorted by two company guards, both of whom were armed. He further states that the car was stoned as it proceeded up the street and that one missile broke the windshield of the car and hit him in the jaw. He was injured and had to have medical care, the expenses of which were paid by the company. Mr. Nesbitt's affidavit confirms the committee's record instead of giving "another version of the testimony."

A third deponent, Ruel Johnson, foreman in the Berger plant, was also present at the events related by Mr. Fuller and Mr. Nesbitt, and testified to by Charles M. White and other witnesses.

Johnson said that on Monday morning-

the pickets directed abusive epithets toward the men coming to work and threatened them with physical violence; no threat was made to me personally nor did I see any person forcibly restrained from going into the plant that morning.3

Mr. Johnson's reference to threats of violence on the Monday morning of the strike is contradicted by the statements of witnesses of the picket line at that time. His own free and unmolested entrance into the plant would seem to constitute a further contradiction. is clear that, so far as Mr. Johnson was aware, no person, including

himself, was restrained from entering the plant.

At noon Mr. Johnson went home and returned to the plant at 1 o'clock. On Belden Avenue he noticed that "there were pickets with bricks, pipes, and clubs." 3 Someone, Mr. Johnson asserted, threatened him "with physical violence" if he went back into the "I also saw one man with a gun. I then returned to the plant." 3 This establishes that as late as 1 o'clock in the afternoon a worker was able to reenter the plant, although "threatened with physical violence."

According to his affidavit, Mr. Johnson, after his return to the plant, observed a number of incidents occurring in the street outside. He states, "I was looking out of a window upstairs in the north factory." At 3:30, he said, he saw cars and trucks leaving the plant, all of which were stoned. This adds nothing to the testimony of other witnesses. He states that he identified Wakefield Nesbitt "riding in the sedan and I saw him struck with a stone." Nesbitt, according to his affidavit, was driving west on Eleventh Street away from the plant when he was

Pt. 24, p. 10301.
Pt. 24, p. 10301.
Pt. 24, p. 10302.

struck. Mr. Johnson's observation was not so acute, however, when the company guards made their sally in the armored truck between 4 and 5 o'clock. Regarding this incident he states:

I saw about three or four guards get out of the truck, but I could not see whether they were armed or not and I did not see what happened to them. I saw no other company guards or policemen in the street and I saw no tear gas at any time during the afternoon.<sup>1</sup>

Such a version of events is incompatible with that of all the eyewitnesses heard by the committee, including the testimony of one of the Republic policemen. It does not even coincide with the version of Charles M. White, who, while not present at the scene, testified that it was his understanding that the truck was full of guards and that they fought their way back to the plant gates, firing tear gas at the crowd.

Mr. Johnson's version of this incident can be attributed either to faulty observation or to a faulty memory. That he must have been situated near enough to observe such incidents in detail is indicated by his positive indentification of Wakefield Nesbitt in the sedan. This leaves the alternative of faulty memory. If Mr. Johnson's recollection of the principal and most exciting event of the day is so clearly incomplete, it is hard to see how any reliability can be attributed to the other portions of his affidavit. On the whole the committee feels that Mr. Johnson's affidavit is of no weight in modifying the version of events on May 27 that has been established by witnesses before it.

The last of this group of four is Vincent Moulin, shearman in the Berger plant, who stated that when he went to work at the Berger plant at 7 a. m. Monday morning, the first day of the strike, he was told by an unidentified person that if he went into the plant there "would be hell" in the afternoon. "At this time I did not see any clubs or stones in the possession of the pickets." None of the other affiants testified that any threats of violence in the afternoon were made on the picket line. Assuming that Mr. Moulin's statement is correct, it is nevertheless clear that such a threat was not representative of the temper of the pickets in the morning:

Mr. Moulin stated that when he left work at 3:30 p. m. he had to be escorted to his car across the street at a parking lot by city policemen. The car of the city policemen, he says, was stoned by pickets. This statement concerning the presence of city policemen is at variance with all the other witnesses. Lester P. Rice, president of the union, and others, testified that they observed no policemen there. Mr. Rice went to the mayor a little later and asked for policemen. If policemen were present, as Moulin states, and observed stone-throwing of the severity he describes, it is more than remarkable that they made no effort to stop it, secure other assistance, or report it to the city authorities.

After Mr. Moulin started driving away on Belden Avenue his car was stoned. This occurred twice near the Belden Avenue bridge and near Mahoning Road. He received slight cuts from broken glass.

The other eight affidavits deal with efforts of employees of the Central Alloy plants to go to work at the main office of the company on Eighth Street. All of these affidavits treat of incidents occurring after 5 p. m. on May 27. The effect of the assault of the company

<sup>&</sup>lt;sup>1</sup> Pt. 24, p. 10302.

guards on the afternoon of May 27 in increasing public excitement

and resentment has been sufficiently commented on above.

The first mention of a picket line near the main entrance of the Republic plant on Eighth Street is contained in an affidavit of Robert F. Reardon, a schedule clerk in the Central Alloy office, who states that on the night of May 27, at about 11:30, there were 200 or 300 strikers at the corner of Eighth Street and Belden Avenue, who stopped the bus in which he was riding. He, himself, walked to the office through the field and was unmolested but stated that he saw stones being thrown at cars by the pickets.

On the following morning other persons met with difficulty at this picket line. At about 5:30 a. m. George W. Cooper, welder in the Central Alloy plant, was driving to work. Portions of his affidavit

read as follows:

At the bridge on Belden a picket with a club ordered me to stop but I refused. At 11th Street and Belden a crowd of 25 or 30 pickets with clubs ordered me to stop but I drove on. Two more pickets attempted to stop me at the corner of 8th and Belden but they were also unsuccessful.

8th and Belden but they were also unsuccessful.

When I drove in the entrance of the plant there were 10 or 12 pickets in the middle of the street. They began to stone my car and as I drove in, some of the windows of the car were broken out. The company paid for the damage to the car.

Between 6 and 7 a. m. John Lehnert, combustion engineer in the Central Alloy plant, had a similar experience on Eighth Street, away from the Berger gate. He, too, was uninjured, though his car was damaged.<sup>2</sup> At 7:50 a. m. John P. Carmody, a draftsman in the Central Alloy plant was stopped by pickets who had stones and clubs at Eighth Street and Belden Avenue while he was on his way to work.

As he drove into the plant, he claims, pickets stoned his car, breaking the windshield. One stone bruised his ankle, but otherwise he was uninjured. At 8 a. m. of the same morning Howard M. Oberlin, employed in the engineering department of the same plant, also was stoned when he drove through the picket line at Eighth Street and Belden Avenue, and his car was damaged, though he was uninjured.<sup>1</sup> At 9:30 a. m., Leslie Spies, a clerk in the Central Alloy office, was leaving the plant for home, having worked all night. According to his affidavit he was stopped at Eighth Street and Georgetown Road by about 12 pickets, armed with clubs and stones. These all got into or on the running board of his car and compelled him to follow a bus which they stoned. Then they compelled him to take them back to the picket line and released him after threatening him with being put on the picket line if he returned. This affidavit fails to state any reason for stoning the bus and adds that \$37 worth of damage was done to the affiant's car, though the affidavit fails to state how any damage was done.

The affidavit of Robert F. Reardon mentioned above states that on the evening of Wednesday, May 29, when he was returning to the plant through a field, he was overtaken by five pickets armed with clubs, who took him into custody for about half an hour but released him unharmed. This incident occurred outside the city limits of Canton in the area which, according to the testimony of Chief Deputy Sheriff Richard R. France, was being continuously patroled by Stark

<sup>&</sup>lt;sup>1</sup> Pt. 24, p. 10304. <sup>2</sup> Pt. 24, p. 10305.

County deputy sheriffs. In response to a question from Senator La Follette as to whether there were any pickets in this area, Mr. France testified "Well, if there were pickets out there, they weren't active, that is, out in the county." While it is entirely possible that the above-mentioned interference with Mr. Reardon might have been carried out in spite of the deputy sheriffs' patrol, it is probable that it was not typical of the pickets' activities in that area. It was in the same vicinity that the deputy sheriffs arrested four Republic policemen on the morning of May 29 and confiscated the arsenal of gas bombs, revolvers, and gas guns shown in a photograph, exhibit 4356, appearing in part 24 of the committee's record, facing page 10206.

In addition it should be noted that, according to the testimony of city police and Republic officials, violations on the part of the pickets ceased at noon on Wednesday, pursuant to a truce between the

corporation and the pickets.

The remaining incidents described in these affidavits purport to have occurred on May 30 and June 1, 1935. At 4:30 a.m. Charles H. Peters, a clerk in the Central Alloy district office drove to a railway spur leading into the plant. He was stopped by a picket armed with a club. The group of pickets searched him and when they found an extra shirt concealed on his person they took him to union headquar-There Mr. Rice, president of the union, dissuaded the pickets from taking any violent action against Mr. Peters and he was released unharmed. Later in the morning of May 30, John P. Carmody, whose experience on the morning of May 28 has been described above, was turned back by the picket line when he sought to enter the plant. On this occasion he was not harmed, though he states that he "was menaced by pickets with stones and clubs."2 The victim of the incident of June 1 was James D. Barnhill, a machine operator in the Central Alloy plant. On May 29 at 6:30 a. m., Mr. Barnhill was coming to work by bus when the bus was stopped by pickets, and Mr. Barnhill "got out and did not go to the plant." He "was not molested by pickets at this time." On June 1, he again attempted to go to work by walking across a field in the Georgetown Road area to the main entrance of the plant on Eighth Street. He was stopped by two men who he believed were pickets. They asked him where he was going and then, removing Mr. Barnhill's glasses, each struck him in one eye. Mr. Barnhill's eyes "were not permanently injured."3

Both these incidents took place, if the allegations are true, on the south side of the Pennsylvania Railroad tracks, a long distance from None of these alleged incidents took place nearer the Berger gate. to the gate of the Berger plant on Eleventh Street, than seven city blocks. The dates of these incidents are May 30 and June 1, and assuming they occurred, they have no standing either as justification or excuse for the conduct of the company guards on May 27, 28, and 29. It should be noted that none of the 12 affiants, with the exception of Vincent Moulin, state whether they took any normal steps to obtain protection from the city authorities or made any complaint thereto. All the information that came to City Solicitor Bernard Rodgers,

<sup>&</sup>lt;sup>1</sup> Pt. 24, p. 10305. <sup>2</sup> Pt. 24, p. 10303. <sup>3</sup> Pt. 24, p. 10306.

Sheriff Joseph Nist and Officer Samuel Marconi, indicated that picketing had been peaceful and that the violence was perpetrated by the

Republic guards.

These 12 affidavits were taken on August 19, 1938, in the presence of committee investigators and counsel for Republic Steel Corporation, pursuant to the request of Mr. Patton. Mr. Patton forwarded 128 additional affidavits pertaining to violence during the Berger strike of 1935, with a covering letter dated September 14, 1938. These 128 affidavits are all dated either July 21 or July 22, 1938. Mr. Patton requested that these too be printed in the record of the committee. Nothing was said of the company's desire to have these cases brought before the committee when Mr. Patton proposed his 12 witnesses on Nothing was said of the existence of these affidavits July 20, 1938. on August 11, when the final agreement with regard to the disposition of the 12 witnesses proposed by Mr. Patton, was reached between him and the chairman. Nothing was said about the existence of these affidavits to the two committee investigators when they went to Canton on August 18-19 to take the depositions discussed above.

It is clear that these 128 affidavits were taken by the company representatives as a result of the committee's hearing of July 18 and 19. Mr. Patton's failure to offer them, or to suggest the names of any of the affiants during the hearing or shortly afterward, would seem to indicate that counsel for the company regarded these affidavits as of less value than the testimony of the 12 affiants whom the committee's representatives interviewed and examined. Very probably counsel for the company regarded these 128 affiants as less credible or as having a less accurate recollection of events than the 12 whose names were submitted. Any investigation involves the interviewing of numerous witnesses and the taking of quantities of affidavits from persons not called upon or used at hearings. The committee's files themselves are full of such documents, most of them rejected in favor

of more substantial evidence and testimony.

In view of the company's attitude toward the 128 affidavits, the committee feels justified in attaching less importance to them. would seem unnecessary to analyze them in detail. The general picture of events, however, which they tend to show, may be briefly touched upon. The preparation of evidence for hearing or trial is a process of elimination. The committee can be criticized only for failing to receive testimony on what seemed to be salient or important events during the course and development of the strike. affidavits do not tend to show any events or incidents of major importance in the course and development of the strike which are not already covered by the committee's record. They are cumulative and supplemental. The process of taking affidavits might be extended to all of the thousands of employees of the Republic Steel Corporation affected by the strikes in Canton in 1935. Such a process would, of course, be the reductio ad absurdum of investigation. Clearly the examining body in cases involving so many hundreds of persons must have discretion to draw the line beyond which it will not burden itself by piling up additional evidence on the same or related issues. Nevertheless, the committee, while not believing that these affidavits are of any particular value, is willing to admit them to its record in order that those interested may have additional and supplemental data and

a suggestion of some of the other details of the strike situation which

it was not possible to place in the record at the hearings.

These affidavits do not deal with the conduct of the company guards or the frequent violent clashes between the guards and the pickets. All of these affidavits were made by employees either of the Berger Manufacturing Co. or of the other divisions of Republic Steel Corporation in Canton. They deal with the attempts of the affiants, some successful and some unsuccessful, to pass through the picket lines into the plants. They bear chiefly on the character and condition of the picketing. They are the sort of affidavits that are normally collected by counsel for an employer in proceedings for an injunction against picketing. But it must be remembered that Republic Steel Corporation did not apply for such an injunction in Canton in 1935. It is evident, from even a hasty perusal, that these affidavits often overlap, some of them being accounts from different witnesses of the same or related incidents. It is often difficult to determine which of the affidavits treat of the same incidents since there is a general lack of accurate identity of the participants and a looseness as to the exact time and position of the acts described. Most of the affiants were employees of the Berger Manufacturing Co. The preponderance of the incidents described in their affidavits occurred not at the entrance to the Berger plant but either at the corners of Eighth Street and Belden Avenue, where the Central Alloy pickets assembled, or at the other entrances or approaches to the plant.

The affidavits tend to show that picketing was peaceful all during the morning of May 27 and for some time thereafter. One affiant reports entering the plant, without any difficulty, in a car at 3:30 p. m. In this respect the affidavits tend to confirm the committee's record. The affidavits suggest that the activity of the Central Alloy pickets, beginning on the 28th of May, was markedly different from that of the Berger pickets on the previous morning. Some of these pickets are stated to have carried clubs and some of the cars going through this picket line are reported to have been stoned. In general, during the first few days of the strike, the picketing, according to these affidavits, became progressively more unruly. Clubs apparently became common after May 27. In most of the incidents described, the pickets did not actually inflict physical violence upon

the affiants, but simply threatened them with show of force.

Those affidavits dealing with the altercation involving Charles M. White on the morning of May 27, the sally of the guards in the afternoon, and the burning of the company truck thereafter, add nothing

to the committee's record regarding these events.

The affidavits do, however, supplement the committee's record with regard to picketing at the corners of Eighth Street and Belden Avenue and at or near the main office of the plant. The character of this picketing is covered, in general, by the testimony of James L. Williams, superintendent of company police, Richard R. France, chief deputy sheriff of Stark County, and others; but the affidavits tend to indicate, in greater detail, the occurrence of various incidents in this locality.

On the whole, these affidavits do not tend to show that the committee has omitted any events of major importance from its record, nor do they alter the committee's conclusion that the activities of the company guards were totally unjustified and tended to embitter and

aggravate the whole situation.

# APPENDIX B. AFFIDAVITS PERTAINING TO THE CONDUCT OF DEWEY W. JONES, CAPTAIN, REPUBLIC STEEL CORPORATION POLICE

STATE OF INDIANA, County of Madison, 88:

Bernard Rebuck, being duly sworn deposes and says: That he resides at 1525 S. N St., Elwood, Indiana, and is now and has been employed by the Dawson Buick Co., Elwood, Ind., as a mechanic. That on or about July 7, 1938, a Buick Two Door Sedan Model 1936, Serial No. 2,955,634 and Motor No. 63,120,609, bearing an Ohio License for 1938, and having on its windshield an insignia with the legend "Fraternal Order of Police of Cleveland," was brought for repair by a Mr. Ralph Willets of Elwood, Indiana. That evening, a man representing himself to be the owner of the car and whom your deponent later discovered to be a Mr. Dewey Jones connected with the Republic Steel Co., came in and talked to your deponent about the repair of the car. The said individual was about six feet tall, weighed about 220 pounds, and appeared to be about 40 years of age. The said individual spoke of having spent his boyhood in Elwood, Ind. Within several days the said Mr. Jones purchased a new car from the said Dawson Buick Co. and your deponent was instructed to clean out the said 1936 Model Buick of Mr. Dewey Jones. While repairing the car, your deponent noticed in the glove compartment of the said car two pistols, some shells, and some literature of the Republic Steel Co. While cleaning the car your deponent discovered a bronze policeman's badge pinned to the upholstering behind the sun visor which he turned over to Mr. Dawson, owner of the Co. During said cleaning of the car your deponent also discovered a booklet with the name of the Republic Steel Co. on it. The circular had some handwriting on the back of it which related to some labor matters. Your deponent kept said circular and booklet in his possession until on or about July 29th, 1938, when it was called to his attention that said Dewey Jones of the Republic Steel Co. was under investigation by the La Follette Committee. Your deponent discussed the matter with his fellow employee, Howard Cavan and decided to turn over to said Howard Cavan said booklet and circular in order to enable

BERNARD REBUCK.

Sworn to before me this 2nd day of August, 1938.

[SEAL]

ETHEL F. MOORE, N. P.

My Commission Expires April 24, 1941.

STATE OF INDIANA, County of Madison, ss:

Howard Cavan being duly sworn deposes and says: That he resides at 708 S. Anderson St., Elwood, Indiana, and is now and has been employed by the Dawson Buick Co., Elwood, Indiana, as a bookkeeper. That on or about July 7, 1938, a Mr. Dewey Jones traded a 1936 Model Buick Two Door Sedan, Serial number 2,955,634 and motor number 63,120,609, bearing an Ohio license for a 1938 new Buick two door model in gray color, Motor No. 63,400,479, Serial No. 13,231,822 at the Dawson Buick Co., Elwood, Ind. That the 1936 Buick car is still at the Dawson Company and when brought into the garage had on the windshield an insignia with the legend "Fraternal Order of Policemen of Cleveland."

That on or about July 28, 1938, Bernard Rebuck a mechanic employed by said Dawson Buick Co. handed to the deponent a circular issued by the Republic Steel Co. with handwriting on the back of it together with a booklet

also bearing the name of the Republic Steel Co. which he described as papers which he found in the 1936 Buick mentioned above when cleaning out said car. That he noticed that the writing on the back of the circular pertained to labor matters and having read in the local papers that said Dewey Jones of the Republic Steel Co. was being under investigation, your deponent mailed on July 29, 1938, said circular and booklet to Senator Robert La Follette, Washington, D. C. HOWARD CAYAN.

Sworn to before me this 2nd day of Aug. 1938.

[SEAL]

ETHEL F. MOORE, N. P.

My Commission Expires April 24, 1941.

STATE OF INDIANA,

County of Marion, 88:

Bernard Rebuck, being duly sworn deposes and says: That he resides at 1525 S. N St., Elwood, Indiana, and is now and has been employed by the Dawson

Buick Co., Elwood, Indiana, as a mechanic.

On December 24, 1938, Howard called me and I was just ready to leave on a call and had my coat on. I went to the office as soon as he called and when I walked in—I had my hands in my pocket—this man had his back to me, and as I walked in he got pretty close to me and he turned around and said "Do you know me?" I said "Why, yes; I know you," and he just made a grab with his left hand and grabbed me in the chest and hauled off and hit me and knocked me down (he was a big man) on the running board of the car, and when I was down on the floor he took the heel of his foot and kicked me in the head several times and stamped on my head with his foot just above my glasses. He began to kick me with the toe of his shoe in my back in the lower part of my spine. (I had been in the Robert Long Hospital, Indianapolis, Indiana, for about two weeks because of a rectal tumor and was operated on, and was released from the hospital on or about November 15th). I managed to get up and I just got up and he hit me again, and hit me with his fist in the side of my head and broke my glasses. When I was down he threatened me and he put his hand on his hip as if to draw a gun and said "I ha a notion to finish you now." I reached around and grabbed him around the gand held him so he couldn't use his foot until the boys came in (several men were working in the rear of the Dawson Buick Company). When Waldo came in he turned around and started cussing him, like he was going after him. Just as soon as he saw me, that is when I got up, Waldo steps out into the garage and picks up a 2 x 4 stick of wood three or four feet long and came back in and told Jones, "Don't be starting any trouble with me because I have nothing to do with it." Then Jones reached back to his hip pocket and pulled out a revolver about part way and said, "I can take care of myself." He never removed the gun from his hip pocket and he then turned around, picked up his coat and walked out.

turned around, picked up his coat and walked out.

As a result of the assault upon me by Jones, my head and scalp was cut and bruised, and because of the kicking my right hip has continually caused severe pain and I have difficulty seating myself comfortably since the night of the fracas. I intend to call upon my doctor for an examination shortly to determine

whether I should anticipate further complications.

BERNARD REBUCK.

Subscribed and sworn to before me this 5th day of January, 1939.

[SEAL]

LUCILE WOODWARD.

My commission expires November 4, 1941.

STATE OF INDIANA,

County of Marion, 88:

Howard Cavan being duly sworn deposes and says: That he resides at 708 S. Anderson St., Elwood, Indiana, and is now and has been employed by the Dawson Buick Co., Elwood, Indiana, as a bookkeeper, and is the same individual who submitted an affidavit on Dewey Jones to the Senate Committee on August 2, 1938.

I was sitting at my desk about four o'clock on December 24, 1938, and some one came in; I didn't recognize him and he asked if I knew who he was. I didn't

have a chance to answer when he made himself known that he was Dewey Jones. He grabbed my glasses off and dropped them down on my desk, and said "I have a good notion to kick you around the office," and then called me a "dirty communist" and several other unmentionable names for "turning him in to the La Follette Committee." He had been drinking and wanted to know what I had to say for myself and repeated that two or three times. I replied that "I had nothing to say." He mentioned that he had four sisters in Elwood and that they had been very much embarrassed by this affair. That is all that was said to me. Mr. Jones took off his coat and overcoat when he first came in the office. No one else was in there at the time. After making many abusive remarks and threats of physical violence, he asked where Rebuck was.

Mr. Rebuck came into the office and Devey Jones physically assembled Remark.

Mr. Rebuck came into the office and Dewey Jones physically assaulted Bernard

I have read Mr. Rebuck's affidavit of January 5th, 1939, describing the assault and state that his account of what took place is substantially correct.

HOWARD CAVAN.

Subscribed and sworn to before me this 5th day of January, 1939. SEAL

My commission expires November 4, 1941.

STATE OF INDIANA

County of Madison, ss:

Bernard Rebuck, being duly sworn deposes and says: That he resides at 1525 S. N St., Elwood, Indiana, and is now and has been employed by the Dawson Buick Co., Elwood, Indiana, as a mechanic.

\*\*Elwood, Indiana, as a mechanic.\*\*

\*\*E

repaired on or about July 6, 1938.

I know this man's name to be Dewey Jones because he told me his name at the time above referred to (July 6, 1938). I personally made out the repair ticket on the above mentioned repair job to "Dewey Jones" and asked said Jones his name so that I could properly make out the repair ticket.

I estimate the damage to my glasses to be about \$20 and have not had the money to have them repaired. I have not been able to afford to see my physician and so am unable to estimate the amount of physical damage sustained. I have not as yet been required to pay for the damage done to the door of the new car as the result of the assault by said Dewey Jones but estimate the damage at no less than \$10.

BERNARD REBUCK.

Subscribed and sworn to before me this 31st day of January, 1939. LOLA C. LYONS, Notary Public. [SEAL]

My commission expires June 15, 1941.

STATE OF INDIANA,

County of Madison, ss:

Howard Cavan being duly sworn deposes and says: That he resides at 708 S. Anderson St., Elwood, Indiana, and is now and has been employed by the Dawson Buick Co., Elwood, Indiana, as a bookkeeper, and is the same individual who submitted an affidavit on Dewey Jones to the Senate Committee on August **2**, 1938.

I recognized the man who threatened me and assailed Bernard Rebuck on December 24, 1938, as the same Dewey Jones who traded his 1936 Buick for a new car in July of 1938 (some time after July 6).

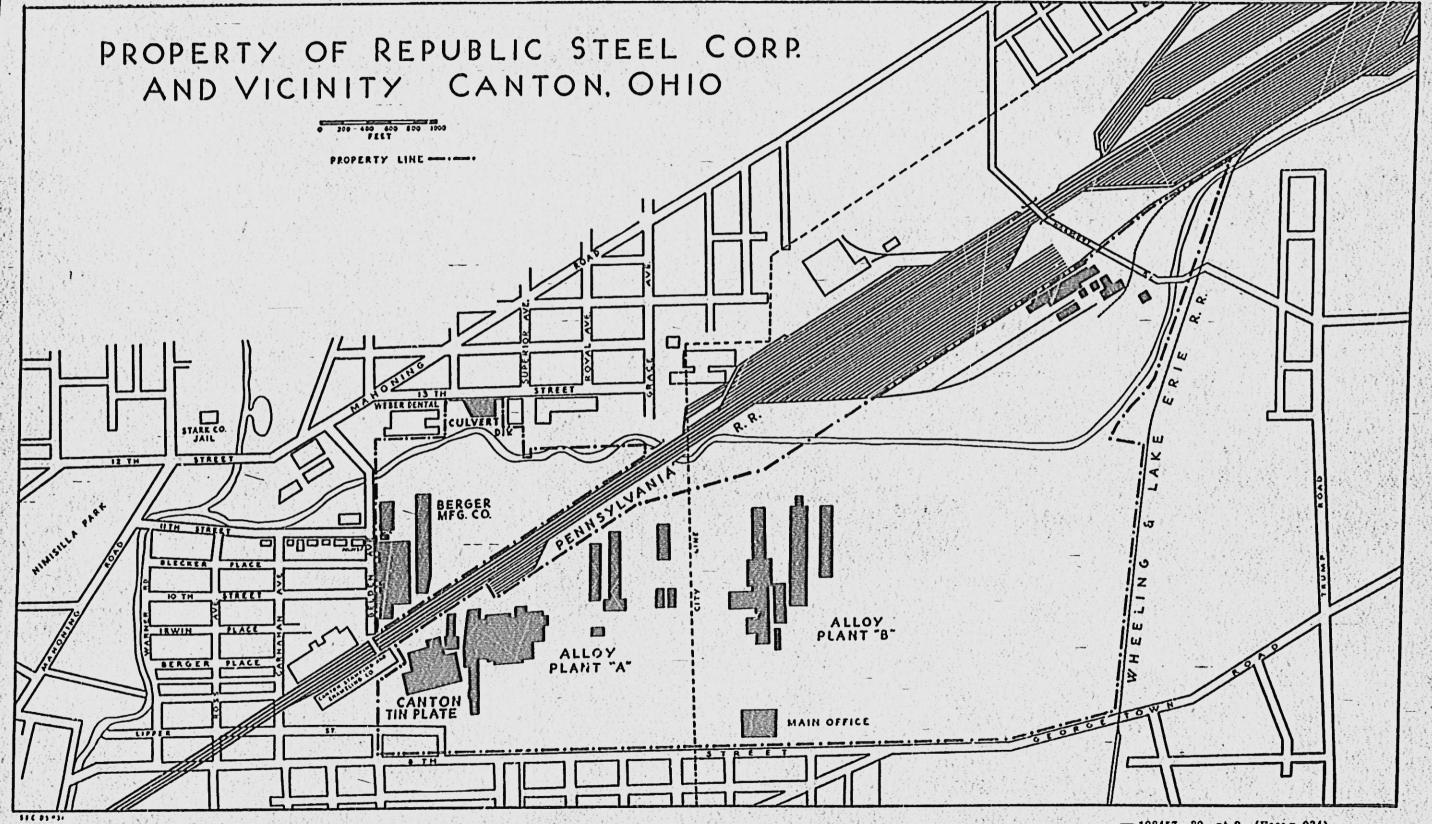
I drove Dewey Jones' new 1938 model Buick to the home of Jones' sisters.

Jones drove me back to the office of the Dawson Buick Co.

HOWARD CAVAN.

Subscribed and sworn to before me this 31st day of January, 1939. LOLA C. LYONS, Notary Public. SEAL

My commission expires June 15, 1941.



STATE OF INDIANA County of Madison, ss:

Waldo E. Robertson, being duly sworn deposes and says: That he resides at 1800 So. N St., Elwood, Indiana, and is now and has been for four years employed

by the Dawson Buick Co., Elwood, Indiana, as a mechanic.

On December 24, 1938, about 4 p. in., I heard some swearing in the office of the Dawson Buick Co. Simultaneously Howard Cavan called me to the office. I left my work on a car and going into the office I noticed a man kicking Bernard Rebuck about the head. Rebuck was lying on the floor.

I called out to Rebuck's assailant and he turned immediately and came toward

me in a threatening manner. I immediately recognized this man as Dewey Jones. I turned and went back through the door into the garage, picked up a large stick

of wood, about three feet long, turned and went back into the office.

As I came into the office I confronted Jones. Jones backed away as he saw my club and reached toward his right hip pocket and partially pulled from it a revolver. I yelled at Jones to "put it back or I'll hit you." Jones put the revolver back in his pocket, said "Say, what's your name?" turned, picked up his hat and coat, and left the building.

I know this man was Dewey Jones because I saw the thousand mile service slip made out in Dewey Jones' name which Mr. Dawson, owner of the Dawson Buick Co., made out in my presence and put under the windshield wiper blade of the car which this man (Dewey Jones) brought in. I did the one thousand mile

service on Jones' car.

I also was present in the Dawson Buick Co. garage when this same Dewey Jones brought in his old car (1936 model Buick) for repair on or about July 6, 1938.

WALDO E. ROBERTSON.

Subscribed and sworn to before me this 31st day of January, 1939.

LOLA C. LYONS, Notary Public.

My commission expires June 15, 1941.

EXCHANGE OF TELEGRAMS BETWEEN COMMITTEE AND REPUBLIC STEEL Corporation

From David D. Lloyd, committee counsel, to Thomas F. Patton, corporation

counsel, dated February 3, 1939:

The committee has received verified information that Bernard Rebuck and Howard Cavan, of Elwood, Ind., who supplied this committee with exhibits and information concerning activities of Dewey Jones, captain of police of the Republic Steel Corporation, at the hearings in August 1938, were assaulted and beaten by Jones in Elwood at the garage of the Dawson Prick Co. on Dec. 24, 1938. According to information, Jones referred at the time of the assault to the La Follette committee, and to the assistance given it by Rebuck and Cavan. The committee takes a serious view of this matter since it appears to indicate attempt to intimidate and injure this committee's witnesses for their testimony and assistance. This committee requests your cooperation in supplying it with Mr. Dewey Jones' version of the incident referred to.

Reply by Thomas F. Patton dated February 9, 1939: Wrote you yesterday as follows: "Upon reflection it seems to me that the personal to him. I have notified Jones of the receipt by me of your telegram, and have suggested to him that he communicate directly with you regarding this matter." It is my belief Jones will contact you direct. situation outlined in your telegram regarding Dewey Jones is one that is entirely

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# VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

# REPORT

OF THE

# COMMITTEE ON EDUCATION AND LABOR

PURSUANT TO

S. Res. 266 (74th Congress)

A RESOLUTION TO INVESTIGATE VIOLATIONS OF THE RIGH I OF FREE SPEECH AND ASSEMBLY AND INTERFERENCE WITH THE RIGHT OF LABOR TO ORGANIZE AND BAR-GAIN COLLECTIVELY



## INDUSTRIAL MUNITIONS

MARCH 20 (legislative day MARCH 16), 1939.—Ordered to be printed with illustrations

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# VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

MARCH 20 (legislative day MARCH 16), 1939.—Ordered to be printed with illustrations

Mr. LA FOLLETTE, from the Committee on Education and Labor, submitted the following

## REPORT

#### ON INDUSTRIAL MUNITIONS

[Pursuant to S. Res. 266, 74th Cong.]

# Introduction

In the course of its investigation into civil liberties and interference with the rights of labor to organize and bargain collectively, as authorized under Senate Resolution 266 (74th Cong., 2d sess.), certain antilabor practices which both violate the right of labor to organize and bargain collectively and result in infringement of freedom of assembly and freedom of speech, have been of primary concern to this committee. Their frequent utilization as instruments of labor policy led the committee to devote considerable time to their investigation and the majority of the pages of its record to testimony concerning them. These practices, broadly speaking, are the use of professional strikeguards, the allied practice of maintaining private police systems, the hiring of industrial undercover operatives, and the utilization of chemical munitions and firearms by persons in the employ or in the interest of firms involved in labor disputes.

The committee has analyzed the first three of these four practices in previous reports to the Senate.¹ This report deals with the fourth practice, namely the buying, selling, and utilization of arms and munitions during labor disputes. With the submission of this report the committee finishes its study of what might be termed the "four chief instrumentalities of antiunionism,"² i. e. strikebreaking, industrial

espionage, private police systems, and industrial munitions.
It is to be pointed out that these practices, though distinguished in the pointed out that these practices is the pointed out that these practices.

It is to be pointed out that these practices, though distinct functions, are not isolated aspects of the stubborn resistance on the part of certain employers to unionization. Rather, they must be viewed as the practical working out of an attitude, the functions in them-

<sup>&</sup>lt;sup>1</sup>75th Cong., 2d sess., B. Rept. No. 46, pt. 3, Industrial Espionage. 76th Cong., 1st sess., Rept. No. 6; Btrikebreaking Services. 76th Cong., 1st sess., Rept. No. 6, pt. 2, Private Police Systems. 

<sup>3</sup> Subsequent reports are to be issued on other aspects of the committee's inquiry.

selves stemming from this common source. Further, the supplying of such services is in large measure an integrated system. The committee found abundant evidence to prove both corporate and trade

relations between vendors of the various services.

The utilization of any or all antiunion services such as espionage, strikeguards, or private policemen involves the ultimate use of force. In the consideration of such services the committee soon became aware of certain means employed to implement such a policy. Chief among these was the use of firearms and chemical munitions. the committee found it necessary to turn its attention to the character and effect of industrial munitions.

The committee in its inquiry into various strikes and their violent episodes gathered much information concerning the industrial use of weapons and munitions. The committee's report on Strikebreaking Services made mention of the participation of certain detective agencies in the traffic in newer forms of industrial weapons, as well as their use, and the report on Private Police Systems dwelt at length on the use of arms by certain of the police systems discussed.4 These reports did not, however, treat of the arms used in industrial relations

as a subject in themselves.

In the earlier stages of its inquiry, the committee learned that there existed an established business of supplying weapons especially adapted for use in industrial disputes. The weapons furnished for such use were principally the various forms of tear and sickening gases, with equipment such as grenades, shells, and guns for discharging them. Submachine guns are also supplied for such use, though to a lesser extent. When held by public authorities for use in the exigencies of riotous situations, the possession of such weapon is, of course, legitimate and proper. Because such weapons are, however, designed and adapted for use by public authority in the exercise of police power in conditions of civil disorder, their purchase and possession by private employers raises problems of far-reaching significance. The committee found that gas weapons are widely purchased by employers and frequently used by them in industrial disputes, and that submachine guns have, to a lesser extent, been so purchased and so used.

A study of the purchase of such weapons by employers revealed that both machine and submachine guns and gas weapons are bought most frequently either in anticipation of, or during labor disputes. Extending its inquiry to cover all kinds of weapons purchased by certain employers, the committee found the same correlation existing, in many cases, between the purchase of other types of firearms, and the ammunition therefor, and developments in the labor relations situation of the purchaser. The committee's data on the purchase of the more common firearms are necessarily less complete than its information concerning the sale of machine guns, which is now subject to Federal regulation, and the trade in gas weapons, which are purveyed by a limited number of concerns, practically all of which the committee was able to investigate in detail. Nevertheless, a study of the records of selected employers, concerning the purchase of revolvers, rifles, and shotguns, indicates that purchases of

 <sup>76</sup>th Cong., 1st sees., S. Rept. No. 6, on Strikebreaking Services, pp. 36 ff.
 76th Cong., 1st sees., S. Rept. No. 6, pt. 2, on Private Police Systems, pp. 129 ff.

such weapons in quantities above the necessary minimum required to equip plant watchmen and to guard valuables, was inspired by the

fear of strikes, or labor disputes.

The committee's investigation disclosed not only that industrial munitions were purchased by employers at critical periods in the course of their relations with their employees, but also that such purchases bore marked correlation to the labor policies of such employers. Almost invariably those employers who have assumed an attitude of hostility to bargaining with so-called outside unions, have been discovered to be the largest purchasers of industrial munitions. Conversely, the establishment of cordial relations based on the principles of collective bargaining seems to appears the appetite for arms, and

terminate the purchases of such weapons. Like the previous reports of this committee, this report is concerned with the relation of the industrial practices, which are its subject matter, to the national policy of collective bargaining and self-organization by employees. The committee's investigation of munitions covers the period from January 1, 1933, through the middle of 1937, thus coinciding with the existence of Federal laws establishing the principles of collective bargaining for businesses affecting interstate commerce. The record indicates that the possession and use of large quantities of arms by certain employers constitute a manifestation of hostility to such principles of labor relations, a hostility carried over from an earlier period of industrial history when the rights of labor were, for the most part, without statutory protection. Wherever large stores of arms were found in industrial plants, for example, some part of them, at least, was found to have been acquired in the years prior to 1933. Large purchases subsequent to 1933 indicate a continuance of the same attitude of hostility to collective bargaining in spite of the national labor policy and in the face of the rising tide of union organization. The attitude of those employers making the largest purchases of weapons in the period of 1933-37 is demonstrably one of determined opposition to labor unions. A large proportion of the strikes suffered by such employers involved the issue of recognition; in many cases such employers resorted to labor espionage, or employed strikebreaking agencies to use the weapons they had The details of the relationship between industrial arms acquired. and a labor policy based on the nonrecognition of unions will be fully explored in the body of the report.

In its investigation of strike situations the committee not only came upon evidence of the possession and use of all types of weapons by employers or their agents, but also found a few instances of the use of firearms by striking workmen, or those in sympathy with them. The committee did not discover any examples of the use of tear or sickening gas, or their variations, or of machine guns by strikers. The use of firearms by strikers varied; in one or two cases there seems to have been a concerted resort to arms in response to the use of arms by agents of the employers, but for the most part the evidence of their use by workmen consisted of instances of their sporadic and unauthorized discharge by persons identified, more or less positively, as strikers. Resort to arms by workmen is a rare occurrence, whereas the practice of industrial munitioning on the part of employers is

widespread and commonplace. The possession of weapons by individuals for personal use, either for purposes of protection or sport, is a matter controlled by State laws. The use of firearms in a manner affecting interstate commerce may, on the other hand, be a fit subject

for congressional consideration.

On the whole, the committee has excluded from consideration in this report the use or abuse by public authorities of those policing weapons which may properly be characterized as industrial munitions. The committee's investigations demonstrated that the improper use of such weapons, or the prejudiced or biased exercise of police authority in industrial situations on the part of public officials, springs from a number of complicated factors, some political and some economic, which are foreign to any consideration of the character or purposes of industrial munitions themselves. For the most part, therefore, the committee has reserved discussions of the conduct of public police in strike situations to other reports, where there will be ample space to consider each situation in its own setting.

At the outset it is necessary to review some of the previous governmental investigations which have touched on the use of arms by private persons in industrial disputes. While such earlier investigations have been less exhaustive than the efforts of this committee, they occasionally have briefly illuminated the intent and purpose of the purchase and use of arms by employers, and the repercussions of such activities upon employees. Following such a review, the work of this committee will be outlined, and the data in its records summarized in order to show the extent of industrial munitioning, and the purpose of industrial munitions. Certain instances of the use of munitions by employers will be examined in detail, and the furnishing of munitions by employers to law-enforcement agencies will be analyzed. The committee has made a complete survey of the business of purveying the newer types of industrial munitions, gas and gas equipment, and the methods and techniques of this business will be discussed throughout the report.

In concluding, the report will summarize the effect of industrial armaments on labor relations and civil liberties, and the inadequacies of present State and Federal legislation.

<sup>&</sup>lt;sup>8</sup> 75th Cong., 1st sess., S. Rept. No. 46, pt. 2, Chicago Memorial Day Incident, and a subsequent report on the "Little Steel" strike of 1937.

## CHAPTER I. INVESTIGATIONS OF INDUSTRIAL MUNITIONS

#### SECTION 1. INDUSTRIAL ARMAMENT PRIOR TO 1988

The role of weapons in labor relations has been intermittently revealed by congressional and other investigations of major industrial disputes. Sometimes these arms have been utilized by company police, sometimes by detective agencies and their strikebreaking personnel, and sometimes by company-paid deputies. Investigations going back to 1890 show the frequent use of weapons, not paid for by public funds, in the hands of persons not responsible to public The unrestricted possession and use of such arms has more than once led to the taking up of arms by bodies of employees, with, in some instances, effects approaching a state of war. It must be emphasized that these investigations touched only incidentally and partially upon the question of industrial arms. Many requests, generally by labor, to obtain Government investigations of the extent and character of employers' armaments were fruitless.

An investigation conducted by a committee of the House of Representatives in 1892 into Pinkerton's National Detective Agency, Inc., discovered that that agency maintained an arsenal of 250 rifles and 400 pistols in Chicago, for use in its business of furnishing guards for

strikes.1

One of the few attempts to study industrial arsenals was conducted by a United States Senate committee investigating conditions in the coal fields of the Paint Creek district of West Virginia during the strike which started in the spring of 1912 and lasted more than a year, until July 1913.2 Without taking complete inventories of the arms and munitions employed in this strike, the investigating committee developed considerable data regarding the arms with which the coal operators and their mine guards were equipped. The Baldwin-Felts Detective Agency, of Bluefield, W. Va., supplied 145 guards to the coal operators on Paint and Cabin Creeks during the strike, all of whom, according to the testimony of Thomas L. Felts, were armed with rifles.3 The guards were also armed with four machine guns.4 The Chesapeake & Ohio Railway Co., which operated lines up both Paint and Cabin Creeks, had two armored trains, equipped with machine guns. The Paint Creek Collieries Co., one of the mining companies affected by the strike, spent \$8,546.65 for guns and ammunition during the strike, as well as paying \$15,240 to the Baldwin-Felts Agency for guards, according to the testimony of W. L. Connell, its president.

Ibid., p. 851. Ibid.

<sup>1 52</sup>d Cong., 2d sess., H. Rept. No. 2447. Employment of Pinkerton detectives, pp. 16-17.
163d Cong., 1st sess., Senate subcommittee of the Committee on Education and Labor. Hearings on conditions in the Paint Creek District, W. Va., pursuant to S. Res. 37.
17 bid. p. 881

<sup>\*</sup> Ibid., pp. 1745 ff., testimony of L. L. Scherer, general claim agent of the Chesapeake & Ohio Railway Co. 

• Ibid., p. 1052.

The Cabin Creek Consolidated Coal Co. purchased four .30-caliber ground-type air-cooled Colt machine guns during August 1912, immediately before the Governor of West Virginia declared martial law in the district.' When the West Virginia State militia took over the policing of the strike area in September 1912, it disarmed the mine guards and miners and seized the guns and ammunition in the arsenals of the coal companies. The adjutant general of West Virginia turned over to the Senate committee what he termed a "partial" list of the guns and ammunition captured. This partial list included 1,872 rifles and shotguns, 6 Colt automatic machine guns, 482 pistols, and 163,300 rounds of rifle, machine-gun, and pistol ammunition. The adjutant general did not, however, furnish any statement of the names of the particular individuals or companies from whom this partial list of munitions was captured. An officer of the State militia testified that between 500 and 600 guns were taken from strikers. It is not known whether or not these were included in the partial list presented to the committee by the adjutant general.

The Governor of West Virginia testified before the Senate committee that, after he had lifted martial law, requests were made to him to return the firearms confiscated from the coal operators, Baldwin-Felts

men, and miners.

Both sides requested the return of the guns, and there was a time when I ordered runs returned, and a good many of them were returned, and it was not long after they commenced to return them until they commenced to shoot up there again.

This case presents a simple example of cause and effect. Apparently the Governor was referring to incidents such as the invasion of the mining camp at Holly Grove on the night of February 7, 1913, by one of the Chesapeake & Ohio trains with an armored car in which was mounted a machine gun. The train was filled with deputy sheriffs, railroad special agents, and mine guards, all armed with rifles. train poured machine gun and rifle fire from both sides into the tent colony of strikers as it proceeded slowly through the town.11 One person was killed and several wounded. Even after the machine guns of the coal operators were returned to them by the Governor, their appetite for munitions was not satisfied. The Cabin Creek Consolidated Coal Co. purchased another .30-caliber Colt machine gun on February 11, 1913, just 2 days after the Holly Grove incident.12

The Senate committee found that first among the contributing

causes of "these unhappy conditions" was:

The failure of the operators in the Paint Creek district to renew their expiring contract with the United Mine Workers.13

However, by the time the committee's investigation was completed the "unhappy conditions" had ceased to exist and "peace and confi-

<sup>7</sup> U. S. Senate, Special Committee Investigating the Munitions Industry, 74th Cong., 2d sess., pt. 37, exhibit 4732, sales of rifle-caliber machine guns by Colt's Patent Fire Arms Mig. Co., p. 12746.

5 U. S. Senate, Conditions in the Paint Creek District, W. Va., testimony of Gen. Chas. Douglas Elliott, adjutant general of the State of West Virginia, pp. 80 and 98.

5 Ibid., p. 1605, testimony of Capt. L. G. Levy.

16 Ibid., pp. 932-393, testimony of Gov. William E. Glasscock.

11 Ibid., pp. 638 ff., testimony of Lee Calvin, one of the mine guards.

12 U. S. Senate, Special Committee Investigating the Munitions Industry, pt. 37, p. 12746.

13 U. S. Senate, 63d Cong., 2d sess., S. Rept. No. 321, Investigation of Paint Creek Coal Fields of West Virginia. p. 5.

Virginia, p. 5.

dence" prevailed as there had been an "agreement entered into for

The United States Commission on Industrial Relations in 1915 discovered the extent of the supply of arms maintained by the Pennsylvania Railroad. In normal times this system maintained a police force of 400 armed men. For emergency use the purchasing agent of the company kept in stock, in Philadelphia, 5,113 revolvers, 130 shotguns, 64,106 cartridges, 1,041 riot clubs, 435 pairs of handcuffs, 1,285 holsters with belts, and 5,015 special-police breast badges. According to the statement of S. C. Long, general manager of the Pennsylvania Railroad, this material was "furnished on regular requisition when needed, and, if used when a strike is in progress, they are collected and again stored after the trouble is over."

Such definite data on the stores of arms in employers' hands is rare. Sales records of W. S. Brown, Inc., a dealer in arms and sporting goods, in Pittsburgh, Pa., which were examined by the committee, reveal that the H. C. Frick Coke Co., a subsidiary of United States Steel, purchased 620 revolvers between April 3 and May 19, 1922, and the W. J. Tanney Detective Agency of Pittsburgh, Pa., purchased 163 revolvers between April 3 and June 3 of the same year. Such fragmentary information is merely a suggestion of the employer

demand for arms.

The need and motive for maintaining and using such quantities of arms was discussed in 1914 in the hearings of the House Committee on Mines, investigating the killing of 31 men, women, and children, and the wounding of 100 others, in the strikers' tent colony at Ludlow, Colo., during the 1913-14 strikes of the Colorado Fuel & Iron Co. Testimony had been taken dealing with imported "guards" and the revolvers, rifles, and machine guns supplied to them. Guards supplied by the notorious Baldwin-Felts Detective Agency again used an armored train and machine guns. John D. Rockefeller, Jr., responsible head of the company, was questioned as to his attitude concerning the affair:

The CHAIRMAN. But the killing of these people, the shooting of children, and all that that has been going on there for months has not been of enough importance to you for you to communicate with the other directors, and see if something might

not be done to end that sort of thing?

Mr. Rockefeller. We believe that the issue is not a local one in Colorado; it is a national issue, whether workers shall be allowed to work under such conditions as they may choose. And as part owners of the property, our interest in the laboring men in this country is so immense, so deep, so profound that we stand ready to lose every cent we put in that company rather than see the men we have employed thrown out of work and have imposed upon them conditions which are not of their seeking and which neither they nor we can see are in our interest.

The Chairman. And you are willing to go on and let these killings take placemen losing their lives on either side, the expenditure of large sums of money, and all this disturbance of labor—rather than to go out there and see if you might do

something to settle these conditions?

Mr. ROCKETELLER. There is just one thing, Mr. Chairman, so far as I understand it, which can be done, as things are at present, to settle this strike, and that

<sup>16</sup> Ibid.
18 U. S. Commission on Industrial Relations, Final Report and Testimony, vol. XI, pp. 10125-10126, testimony of W. W. Atterbury, president of the Pennsylvania R. R.; p. 1047, statements of S. C. Lang, general manager of the Pennsylvania R. R. Co., and of F. C. Walah, chairman, U. S. Commission on Industrial Relations.

<sup>&</sup>lt;sup>16</sup> The great bituminous coal strike of 1922 started on Apr. 1. U. S. Department of Labor Statistics Monthly Labor Review, "The Coal Strikes", November 1922, p. 14.
<sup>17</sup> 68d Cong., 2d sees., H. Doc. 1630, Report on the Colorado Strike Investigation, p. 6.

is to unionise the camps; and our interest in labor is so profound and we believe so sincerely that that interest demands that the camps shall be open camps, that we expect to stand by the officers at any cost. It is not an accident that this is our position—
The Charman. And you will do that if it costs all your property and kills all of your employees?

Mr. ROCKEFELLER. It is a great principle.18

Nowhere, perhaps, has the relation between a company policy based on the nonrecognition of unions and the use of force and arms

been more briefly or more bluntly stated.

Long before Ludlow, antiunion employers had been buying large stocks of arms and paying men to use them. When a special committee of the House of Representatives investigated a strike in the anthracite coal mines of Pennsylvania in 1888, questions concerning the use of arms were put to the receiver of the Philadelphia & Reading Railroad, one of the principal spokesmen for the operators. He testified in part, as follows:

Q. What efforts have been made to resume work?

A. We have hired men wherever we could get them. Of course we can not do it without the labor. The men we have had at work for us we have had to protect

at the point of the bayonet.

Q. Who pays the men who held the bayonet; the State, county or yourselves?

A. The county pays a portion of them and we pay a portion of them. We have had to follow men as late as last night from their work and protect them until they could get into their houses; men armed with Winchester rifles have been obliged to follow these people to protect their lives.

Q. Have not the miners sought a conference with the authorities of the Phila-

delphia and Reading Railroad Company from time to time?

A. \* \* Two or three times we have had communications. A. \* \* \* Two or three times we have had communications from labor organizations about it. I made up my mind that I would treat hereafter with my own employes and never with any labor organizations if I could help it.19

Later the witness put at 300 the number of these riflemen guarding 3,000 miners, and as for public authority bearing part of the expense, he stated:

I am afraid they will not pay any of it.

Here again it is unnecessary to point out that armed force was the inevitable sequel to a refusal to "treat with labor organizations."

A similarly revealing bit of testimony concerning industrial armaments was provided in hearings before the Senate Interstate Commerce Committee in 1928, which was then investigating conditions in the coal fields of Pennsylvania, West Virginia, and Ohio.20 At that time there was a severe strike in certain coal fields in eastern Ohio, where, following the action of coal operators in Pennsylvania and parts of West Virginia, the coal companies had abrogated their union agreements, refused to pay the union scale, and were attempting to operate on an open-shop basis. Added to the issue of the wage cut was the usually bitter issue of recognition. Throughout the area mines were being run by strikebreakers, protected by armed guards, while evicted union miners, living in barracks, were carrying on picketing.

2 vols.

<sup>18</sup> Hearings before a Subcommittee of the Committee on Mines and Mining, House of Representatives, 63d Cong., 2d sess., H. R. 287 (pt. X, April 6, 1914), p. 2874. See also preliminary hearings on S. Res. 266, 74th Cong., 2d sess., p. 330.

19 Investigation of Labor Troubles in the Anthracite Regions of Pennsylvania, February 1888, by a Special Committee of the House (H. Doc. 4147, 50th Cong.), testimony of Austin Corbin, receiver for the Philadelphia & Reading R. R., p. 69.

10 70th Cong., 1st sess., Senate Committee on Interstate Commerce, hearings pursuant to S. Res. 105.

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Ireland, general manager of five coal companies, all affiliated with the M. A. Hanna Co. of Cleveland, and located at various points in the three States, 21 after testifying about the conduct of this picketing, was questioned about the arsenals of his companies. Present at the hearing was John L. Lewis, president of the United Mine Workers of America, who was allowed to participate in the proceedings. Salient portions of the testimony are as follows:

Mr. Lewis. Do you have machine guns supplementing the searchlights?

Mr. IRELAND. Yes, sir; we have machine guns, riot guns, and rifles. We have tear bombs loaded with tear gas and we have ferry [sio] pistols, relies of the war, which shoot gas shells, and star bombs. We hope we will never have to use them, but they are there in case we need them, because we are going to protect our property and the men who are working for us, and we expect to go forward. Senator Wheeler. In what way are you going to use them?

Mr. Ireland. In case a mob should leave the public highway and come onto

our property.

Senator Wheeler. Supposing one of your men were going along the highway?

Mr. Ireland. Well, unfortunately, we can not keep up a patrol of the highways.

We are looking to the sheriff of the county to do that. He has not been wholly successful. There have been a great many men attacked and hurt on the highways, but we can only look out for our own property.

Senator Gooding. You say that these mines are in Ohio?

Mr. Ireland. Yes. sir.

Mr. IRELAND. Yes, sir.
Senator Fess. I did not know that there was any condition of that sort there. Senator Gooding. I thought you told us, Senator Fess, that peace reigned in

Mr. IRELAND. We have no trouble, but preparedness is a great thing.

Having established the existence of this arsenal, Mr. Lewis pointed out one of the principal problems raised by such stores of weapons in private hands—that their existence is an incitement to civil war.

Mr. Lewis. Now, Mr. Ireland, you have all this paraphernolia of war that you have testified about and that sounds like a description of an operation on the western front to resist a German drive; you have, in addition, numbers of mine guards, who, according to evidence submitted here by ample testimony, have committed certain assaults upon members of the United Mine Workers, including the women and children. Do you think that under those circumstances the United Mine Workers of America would be justified in purchasing machine guns, rifles, gas bombs and revolvers to protect our members and our people from the assaults of these thugs in your employ? If so, what kind of a condition would it breed in America? \* \* \* breed in America?

Mr. IRELAND. I have read with interest and with somewhat fear the history related in the coal commission's report in regard to Herrin. There was a case where the operators were the defenseless ones. Now, God forbid that anything will ever happen like that in Ohio.

Mr. Lewis. You mean with respect to the mine guards. If anything like that happened in Ohio you would want it to happen to the mine workers. Is that it? Mr. IRELAND. We have set out peacefully to operate our mines.

Mr. Lewis. Peacefully?

Mr. IRELAND. Yes, sir; peacefully. Mr. Lewis. You astound me.

Mr. IRELAND, I thought I would. We are minding our own business. Our guards are patrolling our property. These instruments of warfare that you refer to are kept in the office under lock and key ready in case they are needed: but so long as we are not molested you need not fear us.

Mr. Lewis. Now, let us go back to my original question. I asked you if, in the fact of this situation and your preparedness, you felt that the United Mine Workers in the act of protecting their own members could prepare for possible conflict with your armed forces upon the same basis; keeping in mind, of course, the right of protecting the lives of our members from the assaults of

<sup>&</sup>lt;sup>31</sup> Ibid., pp. 2436-2438. <sup>32</sup> Ibid., p. 2480.

adventurers whom you employ to man your war paraphernslia and be equipped to engage you in sanguinary battle; and if so, what kind of a condition would that breed in this free land of ours?

Mr. IRELAND. Just what have the operators operating their mines in Ohio done to cause you to believe that they are going to start an invasion upon you and your members? We are the ones whose men do not dare venture on the highways agreement under the eye of a shariff from fear of being attacked by memhighways, except under the eye of a sheriff, from fear of being attacked by members of your organization. It is too bad. I regret it. \* \* I wish you would go off and leave us.

Mr. Lawis. You asked me the reason. The reason is the fact that armed guards in the employ of your company, and other companies that have been

represented in this conference, have invaded the homes of our members, have committed assaults upon our members, have intimidated them, and have abused them. \* \* Now, answer my question. Do you think the United Mine Workers would be justified in arming themselves on the same basis that you have armed your people, so they would be able to engage you in sanguinary battle, if the occasion should arise, if you jeopardize them; and what kind of a condition would that breed in this free land of ours?

Mr. IRELAND. I do not feel qualified to answer your question, Mr. Lewis.22

Mr. Ireland's arsenal was the more extraordinary because his companies in Ohio had more than ample police protection. injunction of unusual scope, and sweeping in character, which had been granted against pickets and the United Mine Workers at the suit of his companies, was being enforced by United States marshals on the spot, without the usual orderly procedure of citation for contempt. The testimony indicates that this injunction was, for the most part, observed by the miners, and infractions, if any, were slight. Yet the companies continued to add to their arsenals. Henry Warrum, counsel for the United Mine Workers, questioned Mr. Ireland on this point.

Mr. Warrum. In the interest of time, will you just answer this question: Did you buy these munitions of war, the tear bombs, the machine guns, the riot guns and the other implements that you have described, before you went on a nonunion basis, before you opened up your mines, or afterwards?

Mr. IRELAND. We bought a few of them at the time we started to open our

mines, and we have since, as judgment has directed, bought additional.

Mr. Warrum. Then, you have laid in a large supply of this arsenal since you got the protection of the Federal judge and these United States marshals with all the minutia of restraints and inhibitions that are disclosed in this injunction; you thought you would supplement the power of the Federal Government, did you, with machine guns, tear bombs, and riot guns?

Mr. Ireland. We had only one mine operating when we first got the injunction, and naturally when we got a second mine operating we similarly equipped it.

and, naturally, when we got a second mine operating we similarly equipped it. The United States marshals are not there to protect our property. They are there to enforce the injunction. It is up to us to look after our own back yards.

and that is why we have those things.24

Mr. Ireland's explanation is hollow. Any movement of men sufficient to justify the use of machine guns, or the other weapons,

would have been a violation of the injunction.

In this same Senate investigation another responsible industrialist, R. B. Mellon, director in and one of the principal stockholders of the Pittsburgh Coal Co.,26 was called to testify concerning the arms of his The shocking conditions in the mines of this company corporation.

<sup>\*\*</sup> Ibid., pp. 2481-2482.

\*\* Ibid., pp. 2487.

\*\* The combined stockholdings of R. B. Mellon, and Andrew Mellon, his brother (then Secretary of the Treasury) in the Pittsburgh Coal Co. were 25 percent of the outstanding common and preferred stock. Ibid, p. 1862, testimony of R. B. Mellon.

in the winter of 1927-28, both among the striking miners and the strikebreakers, had excited national comment, and were one of the factors leading to the investigation. In pursuance of its bitterly antiunion policy, this company had employed detective agency undercover service and purchased tear gas; revolvers, and other arms. Subsequent to breaking with the United Mine Workers in 1925. evicting union miners and proceeding on an open-shop basis at a lower scale, this company instituted a company-police system, composed of Coal and Iron policemen, armed and under its own control. Among its other weapons it had three Thompson submachine guns.\* When questioned in Washington as to this armament, R. B. Mellon indicated that he saw nothing unusual in the possession of such weapons as an instrument of his company's labor policy:

Mr. EATON. Mr. Mellon, in the board of directors' meetings has the matter of the employment of this coal and iron police been brought up for discussion before the board?

Mr. MELLON. In what way? We have had them, I know that.
Mr. Earon. Well, you knew that they were being put into force and effect?

Mr. MELLON. Yes.

Mr. Earon. Was the matter of the equipment for these men and what they were to use brought up before the board?

Mr. Mellon. Well, that is the operating department. I never heard of it.

Mr. EATON. You never heard of it?

Mr. Mellon. I know they have them. Mr. Eaton. You never heard of the question of machine guns being bought for them?

Mr. MELLON. I never heard of that. They may have. Mr. EATON. Would you approve of them having machine guns-

Mr. Mellon, Such as the police here have them?

Mr. EATON, I beg your pardon,
Mr. Mellon, The same as the police here have.
Mr. EATON, Well, you would approve of that?
Mr. Mellon, It is necessary. You could not run without them.
Mr. EATON, You could not run a coal company without machine guns?

Mr. Merlon, No. I didn't say without machine guns?

Mr. Mellon. No; I didn't say without machine guns.
Mr. EATON. Well, I am asking you about machine guns.
Mr. Mellon. Well, I don't know anything about machine guns. I don't know whether the police here have them.29

More outspoken in admitting the industrial use of machine guns was Howard N. Eavenson, spokesman for the Harlan County Coal Operators Association of Harlan County, Ky., appearing before a subcommittee of the Senate Committee on Manufactures in May 1932.30 Frankly stating the policy of the Harlan operators was unalterably opposed to the organization of their miners, and that union organizers were even denied the right to speak to mine workers, Mr. Eavenson described the use of machine guns in pursuance of this policy.

Senator Costigan. Are machine guns part of the equipment for protecting property?

<sup>\*</sup> Ibid., p. 2650, testimony of J. D. A. Morrow, president of the Pittsburgh Coal Co.

7 Ibid., testimony of William S. Warden, chairman, board of directors of the Pittsburgh Coal Co., pp. 580-579. See also, ibid pp. 1278-1280. The company took the position that it must break the union agreement, known as the Jacksonville Agreement, and covering the period, 1924-27, because it could not meet the

scale.

\*\*According to the testimony of J. D. A. Morrow, president of the company, these machine guns were purchased in 1921 or 1922 for pay-roll protection. Ibid, p. 2849.

\*\*Ibid., p. 1366.

\*\*Hearings before a subsemmittee of the Senate Committee on Manufactures under S. Res. 178, 72d Cong. 1st sess., May 19, 1932, p. 211.

Mr. EAVENSON. Some of the coal companies have them. We were on the verge of ordering them ourselves last year but we did not do it. We did not have any trouble. They are the submachine guns usually—the smaller sizes.

Senator Costigan. How are the machine guns purchased? Mr. Eavenson. The only way I understand is through the sheriff, as I understand it, none of the arms companies will ship any of those weapons in unless it is done through some recognized law officer."

Mr. Eavenson went on to explain the purpose which machine guns served in industrial disputes:

In the case of a strike, when a guard goes out there, people shoot at him, and they do not come out in the open and do it either. They get up in the mountains behind trees and he is legitimate prey. That is the reason you have to have machine guns. The country is all woods. In ten minutes a man gets up there and the only way you can get any results is to spray the hill-side by machine guns.32

Records of the Special Senate Committee Investigating the Munitions Industry reveal the county of Harlan listed as the purchaser of seven automatic machine rifles in April and May 1931, but do not show what coal companies, if any, ultimately received these weapons.<sup>33</sup>

These and other previous investigations, taken together, reveal that employers committed to an antiunion policy have from time to time publicly admitted the possession of quantities of lethal weap-ons—army Winchesters and bayonets in 1889, machine guns, rifles, riot guns, and gas shells in 1928. The full extent of such employerowned arms has never been ascertained.

In their statements such employers have justified their possession of such arms as "preparedness" against strikers, on the ground that their property, and usually, their strikebreakers, must be protected. The actual necessity for such protection is apparent in few cases, and the results have been merely to incense and embitter labor. Official investigations have discovered that these arsenals were maintained in consequence of a labor policy based on a refusal to deal with unions, and used in strike situations precipitated by this labor policy. In the hands of such persons as Baldwin-Felts mine guards and other professional strikeguards engaged in aggressive campaigns to destroy unions, these private arsenals of munitions have served as an incitement to others similarly to arm themselves.

Such earlier investigations bore no fruit in the shape of legislation affecting weapons and munitions. Most specific recommendations to curb the trade in the larger weapons of industrial warfare were made by the United States Commission on Industrial Relations, reporting in 1915. The chairman and three of the Commissioners recom-

mended:

2. The enactment by Congress of a statute prohibiting shipment in interstate commerce of cannon, gatling guns, and other guns of similar character, which are not capable of personal use, when consigned by any one except military agencies of the State or Federal governments.

5. The complete assumption by the States and municipalities of the responsibility for policing, and the prohibition of the maintenance of any private police (except a limited number of watchmen without police power except on premises).\*\*

# Ibid., p. 204.

<sup>\*\*</sup> Ibid., p. 205.

\*\* Hearings before Special Committee Investigating the Munitions Industry, U. S. Senate, 74th Cong.

\*\*2d sess., pursuant to S. Res. 206, pt. 37, exhibit 4732, p. 12756.

\*\*64th Cong., 1st sess., S. Doc. No. 415, final report of the U. S. Commission on Industrial Relations; vol.

No legislation was adopted pursuant to these suggestions.

The last official Federal investigation which touched on the problem of industrial munitions prior to the investigation conducted by this committee was the inquiry carried on in 1934 by the United States Senate Special Committee Investigating the Munitions Industry. This investigation was concerned principally with the international and military aspects of the traffic in munitions. In its examination of the companies engaged in this business it examined in considerable detail the activities of Federal Laboratories, Inc., and the Lake Erie Chemical Co.<sup>35</sup> These two firms were found to be conducting, in addition to their export business of such military supplies as demolition and fragmentation bombs, a large domestic business in tear and sickening gas to employers and law-enforcement agencies for use in labor disputes. It also developed, at this inquiry, that Federal Laboratories, Inc., the largest of the domestic munitions companies, was linked by a direct sales-agency arrangements with a notorious strike-breaking agency.<sup>36</sup>

SECTION 2. SCOPE AND CONDUCT OF INVESTIGATION, 1938-38

Certain limitations, both as to scope and method, were deemed necessary by the committee at the outset in its investigation of industrial munitions. First among these the committee limited its inquiry to the period since 1933. To have attempted a thorough investigation both of current practices and their historical background would have entailed expenses far beyond the resources of the committee. Secondly, the sampling method, as opposed to inclusive coverage of firms and persons purchasing munitions, was adopted as the more feasible procedure in view of limitations both in respect

to time and money.

Underlying the choice of the committee to restrict its inquiry into the sale and use of industrial munitions to the period 1933-37 was the fact that during this period Federal protection of the right of labor to organize and bargain collectively had become an established part of national labor policy as exemplified in section 7 (a) of the National Industrial Recovery Act and later in the enactment of the National Labor Relations Act. As a result of the protection afforded labor by this legislation extensive unionization drives were undertaken, many of them in industries hitherto largely unorganized. These were met by determined opposition from certain employers. Testimony taken during preliminary hearings of this committee 37 offered evidence of such nature as to establish both the character of the opposition and the means employed. Among the instrumentalities which, it was alleged, were adopted to subvert national labor policy was the widespread and increasing purchase and use of industrial munitions by a very considerable number of employers of labor. In view of this evidence and in view of general knowledge of such practices, which if not in direct violation of law were certainly in opposition to its spirit, the committee decided to limit its study of the munitions traffic to the period in question.

 <sup>\*4 73</sup>d Cong., U. S. Senate, Special Committee Investigating the Munitions Industry, pts. 7 and 8.
 \*4 Ibid., pt. 7, p. 1618.
 \*7 74th Cong., 2d sess., U. S. Senate, Subcommittee of Committee on Education and Labor, ou S. Res. 266.

The method of the committee in conducting this investigation was to first secure the basic data—inventories of purchases, invoices, and other documentary evidences of the trade and to then supplement these with corroborative evidence and testimony of persons concerned. Thus it will be found that the bulk of the documentary material submitted in evidence has been obtained from employers purchasing munitions, agencies or firms supplying them, or from public records. Invoice books, bank records, vouchers, inventories, and correspondence of employers, munitions vendors, munitions salesmen, and various governmental agencies form the basis for the study. To these were added hospital, police and court records, photographs and newsreels, as well as the testimony of the diverse types of persons connected with the industrial munitions traffic. Among the latter appeared corporation presidents and officials, police officers, officials and salesmen of munitions companies, union officials and members, strikebreakers, labor spies, casual bystanders, deputy sheriffs, National Guard officers, ministers, newspaper reporters and photographers, combatant and casualty—all had their day in court, so to speak, the committee taking testimony from all concerned in an effort to elicit all facts relevant to its inquiry.

The material of testimony to a considerable extent naturally was concerned with the material of industrial strife. Thus the hearings frequently constituted the reconstruction of conflicts between employer and employees, at times bordering on reenactment. The committee's method of conducting hearings, however, added a factor not present in the original conflict—namely, participants for the first time confronted one another, each recounting his or her version of the incidents of the dispute. Men who had acted as strike pickets or union leaders during long weeks of a bitter industrial conflict met face to face for the first time other men who had opposed them from plant police headquarters or superintendents' offices. In the committee's hearings both sides told their story publicly, in each other's presence, with opportunity given to refute or admit testimony. Industrial corporation presidents were examined alongside the agents who had carried out the corporation's labor policies and in the presence of workmen who had been affected by those acts. The committee found in this reconstruction of events and confrontation of participants a reliable method of sifting the truth, as far as possible, with the necessary fairness to each side. Furthermore, this manner of procedure facilitated the placing of responsibility for policy and the effects of such policy where that responsibility properly lay.

The comprehensiveness of the data secured by the committee on the subject of industrial munitioning is indicated by the extent to which the domestic industrial-munitioning industry was examined. The committee inquired fully into the extent and character of the business of the three companies which sell the bulk of all chemical munitions for industrial and police use throughout the Nation. In addition, it subpensed and inserted into the record selected documents bearing upon the industry obtained from other munitions manufacturers and dealers. At the time that sales and correspondence records of the munitions companies were offered in evidence explanatory testimony was taken from officials and salesmen of the firms

involved. The data on sales was histed and tabulated in the record

and, wherever possible, plotted geographically.

As indicated previously, the committee did not attempt detailed examination, with certain few exceptions, of the books and records of account of the several thousand purchasers of industrial munitions. In view of the fact that the three munitions companies investigated manufactured and distributed almost all the gas munitions for industrial use in this country it is reasonable to assume that the committee has in its record a substantial, though by no means total, percentage of all sales for the period under discussion.

The greater part of the industrial and police sales of chemical munitions of which the committee has record were made by Federal Laboratories, Inc., of Pittsburgh, Pa., the Lake Eric Chemical Co., of Cleveland, Ohio, and the Manville Manufacturing Corporation, of Pontiac, Mich. Particular records of these firms, the activities of their agents, and examples of the use of their products in industrial disputes, are discussed at some length in appropriate places in this The following summary descriptions of the firms will serve report. to indicate their size and the scope of their operations.

Federal Laboratories, Inc., 38 provides about 60 percent of the total amount of gas sold within the United States. Gross sales of the company were \$414,000 in 1932; rose to \$512,000 in 1933; doubled to \$1,315,000 in 1934; were \$789,000 in 1935. Sales for 1936 were approximately \$616,000. About 60 percent to 70 percent of Federal's business is domestic, the balance export.40 It manufactures tear and sickening gas and the various equipment for discharging it which will be described below. Other products are police radios, airplane starters, sound and gun detectors. The company is the sole sales agent for the Thompson submachine gun, the only submachine gun on the American market. It also sold Smith & Wesson revolvers for 2 or 3 years. It now sells other firearms and all types of ammunition, as well as special police equipment.41 A stockholder and member of the board of directors is Roy G. Bostwick of the law firm of Thorpe, Bostwick, Reed & Armstrong, of Pittsburgh. W. W. Groves, president of the Railway Audit & Inspection Co., Inc., notorious laborespionage and strikebreaking agency, was a director of Federal Laboratories from 1930 to 1935 and is still a stockholder of record.

The Lake Erie Chemical Co.44 manufactures and sells gas products similar to those of Federal Laboratories, its principal competitor. It does not sell other types of firearms, as does Federal. Export business is handled through an export selling agency, U. S. Ordnance

<sup>18</sup> For testimony and documents concerning Federal Laboratories, Inc., of Pittsburgh, Pa., see pt. 7, pp. 2407-2505 and pp. 2597-2727; testimony of John W. Young, president; B. H. Barker, vice president and sales manager; R. B. Reynolds, vice president; Rarry E. Ran, treasurer; G. Oberdick, assistant to the president; T. A. O'Leary, former assistant to the president. See also pt. 1, pp. 75 fl., testimony of G. Eugene Ivey, former salesman, and pt. 27, pp. 11259 fl., testimony of Jack J. Baxter, salesman. See also additional exhibits in pt. 15-D, pp. 6949-7184.

18 Pt. 7, pp. 2408-2409, testimony of John W. Young, president of Federal Laboratories, Inc., 9 For hearings regarding Federal Laboratories; Inc., export business, see United States Senate, Special Committee Investigating the Munitions Industry, pt. 7.

19 Pt. 7, pp. 2407 fl., testimony of John W. Young.

12 Pt. 7, exhibits 803 and 804, p. 2598 fl.; lists of stockholders and members of board of directors of Federal Laboratories, Inc., A representative of this law firm appeared before this committee representing E. T., weight the solution of the law firm appeared before this committee representing E. T., Pp. 389-454 and pp. 565-650, testimony of A. S. Ailes, vice president, and I. H. McCarty, salesman. See also additional exhibits, pt. 15-D, pp. 7185-7232.

Engineers, Inc. 48 While B. C. Goss is president, active direction of the domestic business is in the hands of A. S. Ailes, vice president. Gross sales run from one-quarter to one-half the size of those of Federal Laboratories.46

The Manville Manufacturing Corporation 47 is a newcomer to the business. It and its predecessor of the same name, of Indianapolis, Ind., have only operated since 1935. Sales between that time and July 1937 amounted to about \$100,000. Manville products are lim-

ited to gas machine guns, gas revolvers, and gas shells.

In the course of its investigation the committee had occasion to examine the American Munitions Co., which is the business name of F. G. Alexander, a former Lake Erie Chemical Co. salesman, of Chicago, Ill. Mr. Alexander manufactured and sold something over \$10,000 worth of gas equipment between July 1935 and June 1937.48

In an effort to trace the domestic distribution of machine guns to other than law-enforcement agencies, the committee made use of the files of the Bureau of Internal Revenue of the United States Treasury Department and the United States Department of Justice. Under the National Firearms Act of 1934 all machine guns are required to be registered with the collector of internal revenue. These files of registration forms provided the bulk of this data. These official records, together with certain records of Auto Ordnance Corporation, which owns the Thompson submachine gun, and Federal Laboratories, Inc., which sells it, enabled the committee to determine, with the aid of a questionnaire to dealers and hardware stores, in partial and incomplete form, the identity of private corporations and individuals who possess machine guns. 49

Throughout the course of its inquiry, when the committee had occasion to investigate other aspects of a corporation's labor relations policy, it secured evidence in the form of documents or testimony or both on the purchase and maintenance of munitions by the corporation or its agents. This was done in the cases of Republic Steel Corporation, the Youngstown Sheet & Tube Co., Goodyear Tire & Rubber Co., Zarnessee Coal, Iron & Railroad Co., Bethlehem Steel Corporation, 4 the various coal companies in Harlan County,

<sup>\*\*</sup> For hearings regarding the export business of the Lake Eric Chemical Co. and U. S. Ordnance Engineers, Inc., see United States Senate, Special Committee Investigating the Munitions Industry, pt. 8.

\*\* For testimony and documents concerning the Manville Manufacturing Corporation, of Pontiac, Mich., see pt. 2, pp. 454-468 and pp. 650-662, testimony of W. A. Engelhart, sales manager. See also additional exhibits, pt. 16-D, pp. 7233-7242.

\*\* For list of sales of the American Munitions Co., of Chicago, Ill., see pt. 15-D, p. 7243.

\*\* See list of corporations with data concerning their purchase or possession of machine guns or other firearms registered under the National Firearms Act, pt. 7, exhibits 812-A and 812-B, pp. 2609-2627. See also pt. 15-D, pp. 7053-7057, correspondence and invoices regarding submachine guns.

\*\* For list of purchases of munitions, see pt. 27, exhibit 4642, pp. 11443 fl.; for inventory of munitions, see pt. 27, exhibit 4641, p. 11442; see also testimony of Charles M. White, vice president, pt. 23, pp. 9788 fl. and pp. 9788 fl. and testimony of James L. Williams, superintendent of police, pt. 23, pp. 9786 fl. and pt. 27, pp. 11286 fl.

pp. 9788 ff. and testimony of James L. Williams, superintendent of poince, pc. 20, pp. 31286 ff.

41 For purchases of munitions, see pt. 27, exhibits 4588 and 4596, p. 11380 and p. 11399; for inventory of munitions, see pt. 27, exhibit 4590, p. 11393; see also testimony of Frank Purnell, president, pt. 27, pp. 11169 ff. and James M. Woltz, superintendent of police, pt. 27, pp. 11173 ff.

48 For purchases of munitions, see pt. 8, exhibit 1067, p. 3198; see also testimony of Paul W. Litchfield, president, pt. 8, pp. 2950-2951 and statement of Paul W. Litchfield, pt. 16-D, exhibit 3067, pp. 6467 ff.

48 For list of purchases of munitions, see pt. 16-C. exhibit 2856, pp. 6343 ff.

49 For purchases of munitions, see pt. 16-D, exhibits 3669-3679, pp. 7065 ff. and pt. 19, exhibit 3964, pp. 8637 ff.; see also testimony of O. R. Ellicott, general manager, Cambria plant, pt. 19, pp. 8344 ff. and Sidney D. Evans, assistant to general manager, Cambria plant, pt. 19, pp. 8363 ff.

Ky., General Motors Corporation, Chrysler Corporation, 77 Ohio Rubber Co., 58 West Point Manufacturing Co. 50

Evidence concerning the use of munitions, as distinct from their sale and possession, was obtained in a large number of cases. Aside from passing references in the testimony of witnesses or in correspondence entered into the record with regard to innumerable shootings, murders, sluggings, and riots, the committee thoroughly investigated several instances of the use of munitions of major importance. these particular studies all available documentary evidence in the form of photographs, public and hospital records were obtained and witnesses representing every side and interest in the controversy were questioned. Some of these instances are discussed in detail in this report, and others are more appropriately reserved for later reports.60

Despite all the mass of evidence secured by the committee with respect to the sale and possession of munitions, its record can be considered substantially complete in only two respects. They are, first, on the distribution of gas munitions and, second, on the possession of arms by those companies which were specifically required to produce inventories of their arsenals. A complete inquiry into the business of arming industry would have necessitated examining the books and records of virtually all of the hardware and sporting goods stores in the country, as well as inventorying all industrial plants. the task was impossible. A further limitation on this study was the fact that many machine and submachine guns are not registered with the collector of internal revenue in accordance with the terms of the National Firearms Act of 1934. The committee found, for example, that the Youngstown Sheet and Tube Company possessed eight army type machine guns which it had failed to register nearly 4 years after the passage of the act.61

While the committee believes its study of the distribution of gas munitions to be substantially complete, there is some indication that it did not touch upon a considerable portion of the trade in gas and gas equipment. Due to the largely unregulated character of the gas business,62 there are a number of small, more or less fly-by-night gas concerns selling an undetermined amount of gas equipment. case of the American Munitions Co. has already been cited. many such small concerns operate this committee does not know.

Further hinderance was placed in the way of a complete and orderly investigation by this committee. When it investigated Federal Laboratories, Inc., it found that records had been hidden, files stripped, ledgers destroyed, invoices altered with ink erad cator, and the bookkeeping system changed in order to hide the identity of customers and

<sup>\*\*</sup> For purchases of munitions, see pt. 9, pp. 3310, 3327, 3349, 3357, 3367, and 3371, pt. 10, p. 3649, and pt. 16-O pp. 6559-6510, and pt. 11, pp. 4106 ff.

\*\* For purchases of munitions, see testimony of Alfred Marshall, director of personnel relations, Chrevolet Motor Co., pt. 6, pp. 2011 ff.

\*\* For inventory and purchases of munitions see appendix material in a subsequent volume.

\*\* For inventory and purchases of munitions, see pt. 22, pp. 9302. 9303, 9338 ff, and testimony of Franklin G. Smith, president, pt. 22, pp. 9168 and 9228, and of R. A. Mertz, factory manager, pt. 22, pp. 9227 ff.

\*\* For purchases of munitions and statements of George H. Lanier, president, see pt. 1, pp. 270 ff, and pt. 7, exhibits 897-900, pp. 2685-2699.

\*\* Ohio Rubber Co. strike at Willoughby, Ohio, February 19, 1935, Berger Manufacturing Co., strike at Canton, Ohio, May 27-29, 1935; New Harlan Hotel, Harlan, Ky., January 23, 1937; "Little Steel" strike of 1937, at Monroe. Mich., June 10, 1937. See discussion in chs. V and VI.

\*\* For further details, see pp. 177-178.

\*\* For a discussion of State legislation affecting the gas business, see ch. VIII.

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sales agents. The company's president explained the purpose of the altered records;

\* the obvious intent was to keep that information from the investiga-

The stripping of files was found to be the rule when the committee endeavored to reconstruct Federal Laboratories' business by subpenaing its agents for the records which the company itself had destroyed or concealed. The committee examined the files of nine Federal Laboratories agents, covering various territories from coast to coast, and, with one exception, found them stripped almost clean of invoices covering sales and correspondence relating to industrial business and to sales during strikes.

<sup>\*</sup>Pt. 7, p. 2480, testimony of John W. Young, president, Federal Laboratories, Inc.

The one exception was Joseph M. Roush, former Federal Laboratories salesman for California. See correspondence from Mr. Roush's files throughout pts. 7, and 15-d. See also Mr. Roush's depositions, pt. 15-d., exhibit 3708, pp. 7092-7100, and exhibit 3712, pp. 7111-7184.

# CHAPTER II. TYPES AND DESCRIPTION OF INDUSTRIAL MUNITIONS SECTION 1. TYPE OF MUNITIONS FOUND

As a background for the discussion of the extent, purpose, and business of industrial munitioning and the use of munitions as instruments of labor-relations policy, it is important that attention be given to the types and details of these weapons. Most of the weapons found in employers' arsenals and used by employers during industrial disputes are familiar to the general public. Others, however, especially the newer types of chemical munitions, have not been publicized and about them little is generally known.

Purchases and inventories as revealed by records of employers and sales agencies, and by testimony, include firearms of all types short of military fieldpieces, all manner of gas weapons, and an assortment of ingenious devices ranging from baseball bats to steam lines and

charged wires.

The firearms include pistols and revolvers of all calibers from . 22 target pistols to heavy police and army-type service revolvers, rifles, shotguns, machine, and submachine guns. Among the rifles are stands of Springfield Army models as well as varieties of carbines and arms of lighter calibers. The shotguns are of automatic, pump, repeating, and single-action type, both long-barrelled and sawed-off. Most deadly of the arms found in the possession of employers are machine guns, machine rifles, and submachine guns. A hint of the warlike, as distinguished from policing, character of some of industry's arms is given in the inventory of one company which included five tripods and two gun carriages for its eight army-type machine guns. Large quantities of ammunition were found on hand for all these weapons.

No comment is necessary on the power and effect of arms such as these.

The committee found evidence of innumerable kinds of clubs which were purchased, manufactured, or stored as part of industry's arsenals. Baseball bats, ax handles, "coronation sticks," blackjacks, billies, metal pipes, steel bars—all appear in the record. In some cases these were manufactured in plants immediately prior to or during strikes. During one strike the company guards were armed with pieces of steel reinforcing material with taped handles. During another strike, great ingenuity was used by employees in the plant in constructing weapons with which pickets were bombarded from the plant. Compressed-air guns, used to operate chipping hammers for the chipping of steel billets, were rigged up to shoot slugs of steel with great force at the picket posts near the plant gates."

<sup>1</sup> The Youngstown Sheet & Tube Co. See pp. 48 ff and pp. 219-220.

1 At the Berger Manufacturing Co., Canton, Ohio, May 27-June 1, 1935. See below, pp. 107-115.

2 Republic Steel Corporation, Canton, Ohio, June 1937. See testimony of James W. Moseley and of Darrell Smith, pt. 32.

The improvisation of weapons was on one occasion carried to the extreme, according to the testimony of a professional strikebreaker, of stringing high-tension electric wires around a plant and arranging hoses for turning live steam upon strike pickets.<sup>4</sup>

The most comprehensive data secured by the committee was on the

The most comprehensive data secured by the committee was on the distribution of gas munitions to industrial employers, employers' associations, and law-enforcement agencies. This data showed huge stores of tear and sickening gas and all sorts of devices for dispersing it.

The average person who is unfamiliar with military or police work and who has not personally viewed our industrial battle fronts probably has only a very general impression of the nature, effects, and use of gas weapons. This impression, very likely, is limited to a vision of clouds of gas and weeping people. Therefore, the following section of this report is devoted to a description of these gases and some of the dangerous and deadly weapons and devices by which they are discharged.

Gas, used in the military sense, is simply a suspension in the air of minute particles of chemicals which incapacitate the persons with whose eyes they come in contact or who inhale them. The tear and sickening gases used in industrial warfare, which are merely adaptations of two of the milder types of gas developed for military use during the World War, are designed to render people hors de combat by temporarily blinding them or by inducing severe attacks of vomiting. These lachrymating or tear-producing and nauseating gases do not confine their effects to the reactions from which they derive their names. Severe eye, nose, and throat irritation and headache follow doses of them and last for hours or even days.

### SECTION 2. TEAR GAS

Tear gas can be made from different chemicals, the one in general use being chloracetophenone (C<sub>6</sub>H<sub>5</sub>COCH<sub>2</sub>Cl), commonly known as "CN".<sup>5</sup> Pure CN, according to the Journal of the American Medical Association, "is a gray or white crystalline solid with an aromatic odor similar to that of locust blossoms." The effects of this substance in its gaseous state when used on human beings are described by an authority on the subject as follows:

Men exposed to the action of chloracetophenone exhibit the following symptoms: Irritation of the eyes, lachrymation and burning of the more tender portions of the skin. In some cases there is a tendency toward increased salivation and irritation of the throat. Following exposure there may be some discomfort, but this is of relatively short duration, except in the case of exposure to very high concentrations or to low concentrations for prolonged periods. In these latter cases it may require twenty-four hours for the eyes to feel normal again. Men exposed experimentally to high concentrations for short periods of time were unable to open their eyes for several minutes after exposure. In some instances a conjunctivitis was observed which lasted several hours.

Authorities are in agreement that tear gas is a nonlethal gas and that it is nontoxic in low concentrations. However, in high concentrations

<sup>Pt. 1, p. 127, testimony of E. J. McDade.
Edward B. Vedder, The Medical Aspects of Chemical Warfare, Baltimore, 1925, p. 170.
Issue of June 12, 1937, p. 2061. See pt. 15-D, exhibit 3610, p. 7025.
Vedder, op. cit., pp. 170-171.</sup> 

it is toxic, i. e., poisonous or injurious, as is indicated by the abovequoted article in the Journal of the American Medical Association:

Chloracetophenone is irritating to the eyes, exposed mucous membranes and skin in very small quantities. Lachrymation begins with a concentration of 0.3 to 0.5 mg. per cubic meter of air. Irritation of the nose occurs with 1 mg. per cubic meter with 2 mg. use of the eyes is impossible owing to the pain and copious flow of tears. At the latter concentration, irritation of the skin of the face and of the pharynx occurs. The highest concentration which a normal man can tolerate for one minute is 4 to 5 mg. per cubic meter. It is apparent that with a concentration of only a few milligrams in 1,000,000 cubic centimeters of air, the amount necessary to cause severe irritation of eyes, nose pharynx and skin must be very small indeed, probably not more than a few thousandths of a milligram. As chloracetophenone is a solid, considerable quantities might remain impregnated in and spread on clothing, particularly if the material were sprayed in solution. A person who brushed his face against cloth so impregnated could easily pick up enough chloracetophenone to cause severe irritation; and as expressed in a Query and Minor Note in The Journal already cited, 'It is reasonable to believe that enough irritation of the eyes or throat may be produced by tear gases to pave the way for secondary bacterial invasion with ensuing pharyngitis and conjunctivitis on occasion." The possibility of the production of sinusitis and otitis media secondary to irritation by chloracetophenone is not at all "fantastic." Chloracetophenone is not the practically harmless substance it is commonly reputed to be. With direct contact it can cause permanent corneal opacity and resultant blinders, as in one of the cases reported by McNally. It frequently causes more than temporary interference with vision which may take several days to clear up.8

In spite of these medical authorities, John W. Young, president of Federal Laboratories, Inc., testified before this committee that tear gas "can't injure." A. S. Ailes, sales manager of the Lake Erie Chemical Co., was, however, less rash in the claims he made for the humaneness of his company's product. Mr. Ailes testified:

The gas itself in ordinary concentrations is harmless. That does not mean that you can't be injured by the discharges of the gas. We make no claim that it is a harmless proposition.10

The effect of a heavy dose of this gas (possibly mixed with sickening gas) is described in the hospital reports of two persons who were hospitalized on June 18, 1936, after being gassed during a strike at the Black & Decker Electric Co. plant in Kent, Ohio. We quote from those reports:

Chief Complaint: Shortly before admission patient inhaled tear gas fumes. He was unconscious a short time. Later he complained of a headache and also

of a burning sensation in his throat.

Progress Record: 6-18-36 Patient admitted to hospital in semi-conscious condition. Has been overcome by tear gas.

Patient admitted to hospital overcome by tear gas. Semi-conscious and vomiting.11

The officials and salesmen of the companies selling tear and sickening gas advocate their use on the ground that they are relatively harmless. Examples of the use of built-in bank protection systems are held up as proof that large numbers of people can be gassed with no ill effects.

<sup>Pt. 15-D, exhibit 3610, p. 7025.
Pt. 7, p. 2441.
Pt. 2, p. 411.
Pt. 7, exhibits 854-B-854-O, p. 2654.</sup> 

Mr. Young cited this type of use when he appeared before this committee. He testified:

We have on record over 100 cases, I would venture to say, where tear gas has been released in a bank on demonstration, and the bank lobby filled with people, and they have suffered higher concentration, and of those people we do not know of one case where anyone has been injured or suffered for the length of time which they testify there.<sup>12</sup>

At the same time that Mr. Young made this statement there was in his files a letter from an agent describing his attempts to sell a tear gas system to a bank. The agent related that when one of the bank officials called an insurance agent and asked his advice about installing the gas equipment:

He was told that two cases were known where, in accidental discharges, a war veteran had had his eyes damaged in such a way as to cause great embarrassment to the bank, and where a woman in a coupon booth had given birth to her baby prematurely and the child was born dead, as the result of the gas; also causing the bank great embarrassment.<sup>13</sup>

Further material concerning the effects of tear gas was furnished to the committee in the form of affidavits of 19 persons including women and children who were gassed in the Crawford County Courthouse at Denison, Iowa, on January 11, 1937. On this occasion the gas was released indoors so the effect was much greater than if the same grenade had been used outside. The following quotations are taken from these affidavits: 14

I was blinded for 30 minutes and my eyes were bloodshot and swollen for six days. I suffered from pains in my stomach and was unable to eat a meal for three days. The skin on my lips was burned and blistered and the sores on my lips were not completely healed for 45 days later.

This effect of the gas on the victim's eyes and lips was also noted by other affiants:

Some one took me in a car to the hospital and they treated the children's eyes. Their eyes were inflamed for about three weeks and they are not normal yet at this time (43 days later). The baby was real sick for two nights. I never thought he would live the first night. He was choked and couldn't breathe. It was two days before he could breathe right.

I hurried to get to the fresh air as quickly as possible but the effect of the gas on me was that my lips cracked and were bleeding and my throat and lungs troubled me so I had to cough and vomit the first night, the coughing lasted for several weeks. Also the effect of the gas burned on my face like acid causing my eyes to be very sore for several weeks resulting in weak sight.

I was sick for several days and this gas left my eyes in a weakened condition and it will be necessary for me to wear glasses, which if it were not for the gas we received in this manner, I would not have been in need of glasses I figure for several years.

The lungs of several were affected and breathing made difficult:

I got sick immediately and my lungs hurt so badly it almost killed me to cough. I kept getting worse so a doctor was called to my home who stated that I had the flu aggravated by the gas. It was three weeks before I was able to get about

Pt. 7, p. 2447.
 Pt. 15-D, exhibit 3611, p. 7026, a letter from W. P. Dillingham to B. H. Barker, vice president of Federal Laboratories, Inc., Oct. 31, 1936.
 Pt. 7, pp. 2442-2443, 2639-2650, exhibits 829-849.

and I believe that my disability is a result of the gas that I received on Jan. 11th and my lungs still hurt me and I don't seem to get my strength back.

The gas made me cough for about 2 weeks and my eyes and lungs were sore for about two weeks.

The gas blinded and choked us and my daughter (3 years old) had considerable difficulty in breathing for an hour afterwards. I was fearful that she might die

from the effects of the gas.

She cried and coughed all night and still coughs (43 days later) from the effects of the gas and her eyes were blood-shot, swollen and sore for a week afterwards.

My baby was sick all night and we called the doctor who said the baby had taken cold from exposure and the effects of the gas.

In addition to the physiological effects of gas described in these affidavits, an idea of the fear and terror which it inspires may be obtained from this affidavit of a 12-year-old girl.

The bomb made a sizzling noise and looked like it was on fire. I had been sitting by my mother. My eyes hurt and I tried to hide them in the corner. I could not breathe and was scared I would die. I hollered and mother helped me and Mrs. Pranschke to the window in the balcony. My eyes hurt and my lips were sore for over a week.

A single Federal Laboratories tear-gas grenade was responsible for

the gassing of these people.16

The weight of the testimony, exhibits and authorities quoted lead us to agree with the Journal of the American Medical Association that tear gas "is not the practically harmless substance it is commonly reputed to be." 16 Rather it is a weapon the use of which may result in severe, lasting, and possibly permanent disabilities.

# SECTION 8. SICKENING GAS

The nauseating gas usually used in policing munitions is produced from diphenylaminechlorarsine ((C<sub>6</sub>H<sub>4</sub>)<sub>2</sub>HN:AsCl), or "DM," which is in its pure form a yellow crystalline solid. In his classification of warfare gases, Vedder names DM as one of the "various arsenical toxic smokes." 18 This gas produces irritation of the eyes, nose, throat and chest, nausea, headache, dizziness and a feeling of suffocation. The action of sickening gas (DM) is described in detail by a sales circular of the Lake Erie Chemical Co., which sells this product under the more picturesque name of "K. O." We quote from that circular:

What does K. O. gas do to the victim? (Norz.—The effect of this gas varies considerably with different individuals, and of course, with the amount inhaled.)

1. Violent nausea and vomiting.

2. Sense of suffocation as if several men were sitting on chest.

3. Intense pain in chest and head.

4. Above effects last, if subjected to a good dose, from several hours to a whole day, but without producing permanent injury. K. O. gas is unbearable (10 minutes exposure) in a concentration only one-tenth that of chloracetophenone yet it is only one-half as toxic.19

<sup>18</sup> Pt. 7. exhibit 831-A and 831-B, pp. 2639-2640, a photograph of grenade and affidavit of Frank L. North. identifying it.
16 Pt. 15-D, exhibit 3610, p. 7026.
17 Vedder, op. cit. p. 175-176.
18 Ibid, p. 176.
18 Pt. 2, exhibit 194, p. 390.

Federal Laboratories had the following to say about the effects of DM:

The liquid chemical is used for lachrymating purposes. It also causes nausea, severe headaches, vomiting, etc. A severe dose will incapacitate a person for six to eight hours. While it is also considered as a toxic gas in closed quarters, no reports of fatalities have ever been reported from its use in the field. 30

The effects of sickening gas were described in more colorful terms by the California salesman of the Lake Erie Chemical Co., Ignatius H. McCarty, in a speech before the California State Sheriffs' Association:

Ten minutes' exposure to it will cause you to vomit for twelve or more hours steady. The New York Police had a man with a Thompson machine. He stayed in ten minutes and he was in the hospital for a week. He could not eat anything for a week. Everything that went down, came up. They can stop your vomiting within an hour but you are going to be a sick boy.21

The committee found that there is a rather remarkable lack of material available regarding the physiological effects of DM. Vedder describes briefly its immediate action in much the same terms as the Lake Erie circular and adds "DM is not lethal even for animals." 22 The committee was unable to discover any carefully documented case histories of victims of this gas such as appear in the Journal of the American Medical Association for tear-gas victims. The distributors of DM were unable to provide the committee with specific source material or authorities on its effects. It appears that they know relatively little about their own product. Evidence of this ignorance was displayed in a letter from John W. Young, president of Federal Laboratories, Inc., to the Chief of the United States Army Chemical Warfare Service. After mentioning the fact that tear and sickening gas (CN and DM) had recently been used to quell a prison riot at Attica Prison, New York, Mr. Young added:

Doctor W. N. Thayer, Commissioner of Correction for the State of New York had requested us to furnish him with some data on the toxicity and physiological effect of "DM." The published literature up to date does not give any appreciable amount of data on this subject.

No doubt some work has been done on the physiological effects of "DM" at Edgewood, and we would appreciate if you would furnish us with any experimental data on this subject. Are there any data on the effects of "DM" on

The date of this letter is January 7, 1933. It should be noted that prior to the writing of this letter Federal Laboratories had been selling this gas, about which it knew so little. Over 4 years later, when he testified before this committee on March 4, 1937, Mr. Young still seemed to be as much in the dark as before about the actual effect of sickening gas. When asked about authorities on DM, he answered:

I cannot recall of any right now.24

1933. \*\* Pt. 7, p. 2448.

and as the best justification for its use which came to his mind, he added:

<sup>\*\*</sup> Pt. 7, exhibit 828-B, p. 2639, a memorandum enclosed in a letter from Federal Laboratories, Inc., to C. W. Rich, salesman, dated February 21, 1934.

11 The Sheriff, Undersheriff and Deputy, official publication of the Colifornia State Sheriffs' Association convention proceedings, March 22-24, 1934, p. 65-66.

12 Vedder, op. cit., p. 179.

13 Pt. 7, exhibit 827, p. 2337, a letter from John W. Young to Maj.-Gen. H. L. Gilchrist, dated January 7, 1033.

I think there are a number of cases where it has been used without any after effects.25

This nauseating gas forms a very considerable proportion of the gas sold to industrialists and peace officers. Usually, however, the less expensive tear gas forms the bulk of the sales. The one notable exception to this rule is Republic Steel Corporation. During the 1937 strike this company and its subsidiaries purchased approximately \$50,000 worth of gas equipment. This total included 5,570 gas projectiles, shells, and grenades, of which 4,166 were DM or nauseating gas and 1,104 were tear gas—nearly four times as much sickening as

A case in which a severe gassing was a contributory cause of death came to the committee's attention in the course of its investigation of the Republic Steel Corporation—Berger Manufacturing Co. strike in Canton, Ohio, in May 1935. Sixty-six year old George Milhelm was sitting or his porch when he was struck on the temple by a gas shell shot from a car by Republic policemen who in the course, of 3 days of indiscriminate shooting injured scores of persons in and near the strike zone.<sup>27</sup> Mr. Milhelm fell from his porch to the sidewalk and inhaled a strong dose of gas from the shell which lay beside him. The certified record of his case in Mercy Hospital, Canton, Ohio, reads as follows:

Personal History. Chief Complaint: "On May 28 patient was on own steps and was said to have been struck on right malar bone with a tear-gas bomb from the striker's affair in that vicinity. Patient fell over and has been stuporous and irrational since. Doctor was called some few hours later and found the patient in shock. Has been under his care since. (Dr. T. H. Shorb.) No improvement seen in over a week and hospitalization was advised—an X-ray of skull was taken at a M. D.'s office just previous to admittance."

Final Diagnosis, 6-7-35. "Gas inhalation; Bronchitis."
Doctor's Progress Notes. Dr. Thos. H. Shorb 6-7. "Patient admitted semiconscious; blood pressure low all thru course 100/60. Patient steadily became worse but rallied at times when I came in and spoke to him. Sank gradually and died in coma on 4th day in hospital.

Cause of Death: Accident—struck by gas-shell and inhalation of gas. Con-butory: Branchitis Meningitis and Shock \* \* \* \*' 28

tributory: Bronchitis, Meningitis, and Shock.

The coroner's finding regarding Mr. Milhelm's death was:

After having heard the evidence, examined the body and considered the facts and circumstances I do find that the deceased came to his death by natural causes, to-wit: Acute Infections Sero-fibrinous Pleurisy together with an acute Toxic Encephalitis, which was probably secondary to the infectious pleurisy.

Examination of the chest was then made and the following pathologic conditions were observed: Marked compression of the right lung due to a massive (about 3 liters) pleural effusion in the right pleural cavity. There was an acute inflammatory, fibrinous exudate covering the surface of the collapsed lung and also some old fibrous pleural adhesions between the lung base and diaphragm. The left lung was completely adherent to the chest wall by old fibrous, pleural adhesions. There was also some patches of recent fibrinous pleurisy over the lower lobe. Section of both lungs showed varying degrees of pulmonary edema without consolidation, and the inspection of the bronchi showed nothing unusual.

<sup>16</sup> Ibid. <sup>28</sup> Pt. 27, exhibit 4649, p. 11460. <sup>27</sup> See pts. 23 and 24, passim, and pt. 24, exhibit 4349, p. 10186, an affidavit by Mrs. Martha George, daughter-in-law of Mr. Milhelm and a witness to his shooting. See also below, pp. 111-112. 36 Pt. 24, exhibit 4350, pp. 10186-10187.

# SUMMARY OF DIAGNOSIS

In my opinion, which is concurred in by the physicians who assisted me at the post mortem, the primary cause of death, was therefore, acute infectious Sero-fibrinous Pleurisy. There existed also an acute toxic Encephalitis, which was probably secondary in the infectious pleurisy. The combined effect of the pathologic processes in the pleurae and that in the brain resulted in severe embarrassment to the heart and circulation which was the immediate cause of death.39-

Although the coroner's report makes no mention of the gassing as a contributory cause of death, there is nothing in it which contradicts the diagnosis of the physician who attended Mr. Milhelm from a few hours after his accident until his death. Indeed, the coroner's report of pleurisy and encephalitis tends to confirm the diagnosis of bronchitis and meningitis, which they greatly resemble. Furthermore, inhalation of the severe dose of gas might have had the result of activating the "old fibrous, pleural adhesions" found in the lung of The report merely states the primary cause of death and does not rule out the gassing as contributory.

Whether Mr. Milhelm received a dose of tear or a combination of - tear and sickening gas is not known. The policemen of the Republic Steel Corporation who shot him were well equipped with both. first day of the strike Republic purchased from Federal Laboratories, Inc., 288 long-range projectiles of tear gas and 158 combination tear

and sickening gas.30

When President John W. Young, of Federal Laboratories, Inc., testified before the United States Senate Munitions Committee, he was questioned about the effects of his sickening gas on undernourished people.

Senator CLARK. What is the effect of this sickening gas? Does it cause the person on whom it is used to vomit?

Mr. Young. Yes; it is like seasickness.

Senator CLARK. Do you not think that that might be calculated to have a very much greater effect on a man who is suffering from malnutrition than on a well-fed mill owner, let us say?

Mr. Young. A man who was suffering from malnutrition, if he had been eating nothing, they would have a hard time vomiting; harder than the other

fellow.

Senator Clark. He might become just as sick.

Mr. Young. That is right, sir.

Senator CLARK. And that is the purpose of this gas.

Senator Bone. It would probably leave a man sick for a great many days; would it not?

Mr. Young. No, sir. The records we have show that a man would be sick for 2 or 3 hours.

Senator Bonz. Let us go back to the fellow who is weak from hunger, who has been out on a strike and who gets a bad dose of this gas. What would likely happen to him? It would make him sick for a long time, would it not?

Mr. Young. I would think not, because the effect wears off the body normally

in 2 or 3 hours. Beyond that, I do not even know what I could say. 31

# SECTION 4. CHLORPICRIN

The two gases we have discussed here are those in general use by police authorities and industrial concerns. The committee, however,

<sup>\*\*</sup> Pt. 24, exhibit 4351, pp. 10187-10190.

\*\* Pt. 23, exhibit 4320, p. 9968, a Federal Laboratories, Inc., invoice dated May 27, 1935. Republic Steel:
Corporation paid \$5,270.51 to members of Mr. Milhelm's family in settlement of claims for his death and
gassing other members of the family. See pt. 23, exhibit 4329, p. 9976.

\*\*11 U. S. Senate, Special Committee Investigating the Munitions Industry, pt. 7, pp. 1620-1621, testimony
of John W. Young, president, Federal Laboratories, Inc.

discovered one case in which a much more deadly gas than CN or DM was purchased by a group of employers. This was the order of \$17,457 worth of gas bought by the anthracite coal operators of eastern Pennsylvania for use to keep so-called bootleg miners out of the mines. 32 This order, consisting of 7,500 ampoules of gas to be thrown into the mines, was sold in July 1936 by the Lake Eric Chemical Co. A. S. Ailes, Lake Erie vice president, described the gas ordered in a memorandum of his conference with several coal company officials:

The officials of the various companies mentioned agreed to purchase five thousand (5,000) ampoules of Repello-Gas, 10 ounces to the unit, at \$2.15 each, f. o. b. Cleveland, Ohio, and two thousand five hundred (2,500) units, each containing 10-ounces of Repello-Gas, plus four or four and one-half ounces of chlorpicrin, or nauseating gas, at \$2.75 each, f. o. b. Cleveland, Ohio.33

This order is remarkable, not for its size or its purpose, but for the fact that part of the gas to be used was chlorpicrin. Chlorpicrin, which Mr. Ailes mentioned casually as "nauseating gas," is in reality one of the deadly war gases. It is not to be confused with the widely used diphenylaminechlorarsine or DM. Vedder classifies chlorpicrin with the other war gases, chlorine and phosgene, as a "pulmonary irritant." He describes the symptoms and pathology of chlorpicrin poisoning as follows:

Chlorpicrin is a rather intense lachrymator, though far less effective in this respect than the true lachrymators. Lachrymation would be the first warning of its use. Chlorpicrin causes more coughing than phosgene, for chlorpicrin produces a true bronchitis, the medium sized and small bronchi being affected most severely. Prominent among the symptoms of chlorpicrin is nausea and vomiting. This may follow gassing by any of the pulmonary irritants, but is far more violent and pronounced in the case of chlorpicrin.

In high concentration it may cause unconsciousness and sudden death, but this is very rare.34

Each of these three gases (chlorpicrin, chlorine, phosgene) produces an intense edema of the lungs, developing rapidly after exposure. The development is more rapid with chlorine and chlorpicrin than with phosgene. With the same concentration, the peak of the edema is reached in less than twelve hours with chlorine and chlorpicrin, while after phosgene gassing the peak of edema is reached in about eighteen hours.35

Mr. Ailes explained in his memorandum how he had reassured the coal company officials that in all probability the gas would not seriously hurt the bootleggers. He wrote:

The only hitch in the proceedings was the fear on the part of Mr. Sharp (general manager of the Philadelphia and Reading Coal and Iron Company) that fatalities might occur, due to the toxicity of the gas; and it was necessary, in order to secure the order, to assure him that the gas we intend using is considered non-toxic in that it is unbearable at much less than a toxic or lethal concentration and that any person entering the gas would be driven out before permanent injury would be sustained.36

It would be hard to imagine a stranger definition of a nontoxic substance than the one offered by Mr. Ailes. One might with as good logic say that a gun is a nonlethal weapon because its display will

<sup>22</sup> See pt. 2, pp. 414-433, testimony of A. S. Alles and Walter Gordon Meritt, atterney for the Anthracite

Institute.

13 Pt. 2, exhibit 237, p. 618.

14 Vedder, op. cit., p. 108.

15 bid, pp. 109-110.

16 Pt. 2, exhibit 237, p. 618.

frighten a person away before he gets shot. Even this flimsy reassurance, according to Mr. Ailes' memorandum, was forthcoming only "in order to secure the order." The real purpose of the questions regarding the danger of this gas appear as Mr. Ailes goes on to relate that he disclaimed on behalf of the Lake Erie Chemical Co. all responsibility for injuries due to the gas. The coal operators were afraid of lawsuits. That this was their only fear was made abundantly clear by Mr. Ailes' next sentence:

The other gentlemen present, particularly Mr. Wagner (vice president and general manager of the Lehigh Valley Coal Company), stated that they did not care what the gas did to the bootleggers, inasmuch as the bootleggers were trespassing and stealing their property and would not be subjected to any gas unless they went into the coal holes for the purpose of stealing coal.<sup>37</sup>

Whether the risk of damage suits against the coal operators was the only objection to the order or not, at the time of the committee's

hearing on September 24, 1936, the gas had not been used.

Incorrect and inflammatory statements are often heard to the effect that industry is storing up arsenals of "roison gas." This particular order of the Pennsylvania anthracite coal operators was the only instance of the purchase of such gas which the committee found.

#### SECTION 5. GAS WEAPONS

There are three ways of transforming the chemicals CN and DM from their pure solid form into the gaseous state necessary to carry out their military purpose. First, the chemical may be mixed with a fuel such as gunpowder and projected into the air by burning, in which case the particles of CN and/or DM (for they are often used together to produce the combined effect) are mixed with the visible smoke from the fuel. Second, the chemical may be dissolved in a liquid and dispersed by an explosion of gunpowder into a gaseous form of slight visibility. Third, the chemical in fine, dry, powdered form may be exploded or blasted directly into the air. In the construction of weapons for the dispersion of gas all three of these methods

of changing solid CN and DM into gas are employed.

The devices for dispersing and projecting these gases are adaptations of wartime weapons, the refinements being designed to cope with the necessary limitations of street fighting. Weapons for the discharge of gas can be roughly classified in three groups: First, those weapons from which the gas is blasted or sprayed into the air directly from the muzzle of a gun or billy club, the range being up to about 40 feet; second, grenades and candles thrown by hand, their range being limited by the thrower's strength, and not at most over 100 to 150 feet; third, long-range guns and shell-type projectiles with advertised ranges up to one-third of a mile. Because of the rapid deterioration of the gas the effective life of grenades and shells is limited to approximately 3 to 4 years. After that the grenades and shells cannot be counted upon to function correctly.

The committee gathered information regarding the long-range gas weapons—the projectiles and big guns which shoot them. Federal Laboratories, Inc., and the Lake Erie Chemical Co. both make 1½-

<sup>17</sup> Pt. 2, exhibit 237, p. 619.

inch-caliber guns specially designed for gas shells. They may be purchased by employers or individuals, as well as by law-enforcement bodies, for \$60 and \$75, respectively. During the 1937 "Little Steel" strike Federal Laboratories sold 93 of these gas guns to Republic Steel Corporation, 38 and 26 of them to Bethlehem Steel Corporation.

The long-range projectiles of the two companies differ from each The Lake Eric projectiles are explosive, while those of Federal Laboratories burn. Both companies make ordinary long-range shells with ranges up to 150 or 200 yards and extra-long-range projectiles with fins on their tails similar to those on aerial bombs. These are designed to shoot up to 500 yards, according to the claims of their manufacturers.40 As an added refinement the Manville Manufacturing Corporation has introduced a gas machine gun. This gun, in 18- and 24-shot models, is designed to shoot heavy paper projectiles, about the size of a shotgun shell, some 300 feet. The Youngstown Sheet & Tube Co. bought 25 of these gas machine guns immediately prior to the 1937 strike.41 The shells for the gas machine gun have a penetrating power sufficient to break plate glass and they explode upon impact.

A. S. Ailes, sales manager of the Lake Erie Chemical Co., had the following to say regarding the lethal effects of long-range gas projectiles:

There is no long range projectile in existence that does not carry a hazard of hurting somebody or killing somebody when it is fired.42

Bearing this statement of Mr. Ailes in mind, it will be of interest to examine in some detail a few of the types of long-range weapons on the market. Let us first take the two types of explosive long-range projecticles offered by the Lake Erie Chemical Co. One type is the "Long Range Offense Shell" an aluminum-covered blunt-nosed projectile nearly 10 inches long, weighing approximately 11 ounces which is propelled 450 feet from a 1½-inch caliber shoulder gun. The liquid CN, DM, or a mixture of the two, is sealed in a glass tube inside the aluminum shell covering. Dispersion of the gas is effected by exploding the chemical mixture. The explosion is controlled by a time fuse set for 8 seconds after the shell is fired. When the explosion takes place the glass tube and the aluminum shell casing are blown open, the glass exploding with the gas and the shell casing ripping with jagged tears and partially shattering. A 20-foot circle is covered with gas immediately after the explosion. These shells can be bought for \$7.50 apiece loaded with tear gas and for \$8 loaded with a combination of tear and sickening gas.

The other Lake Erie long-range projectile of note is the "Tru-Flite Super Long Range Gas Shell." The Tru-Flite differs from the ordinary long-range shell described above in that it has a much longer range and greater accuracy. The Tru-Flite projectile is about the same length, heavier, weighing 13 to 14 ounces, and has a set of fins on its tail which open as soon as it is in flight and keep it on its While the maximum range of the ordinary long-range course.

<sup>18</sup> Pt. 27, exhibit 4649, p. 11460.

19 Pt. 15-D, exhibit 3670-3679, pp. 7065-7072.

40 Pt. 2, exhibit 197, p. 589 and Pt. 15-D, exhibit 3606, p. 7023.

41 Pt. 27, exhibit 4596, p. 11399.

42 Pt. 15-D, exhibit 3765, p. 7218, a letter from A. S. Alles to Herrick Foote, Lake Eric Chemical Co. salesman, dated Sept. 30, 1935.

projectile is only 450 feet the Tru-Flite projectiles have a power charge back of them which is, according to the company's claims, sufficient to propel them 500 yards. These shells have a muzzle velocity of about 225 feet per second and impact fuzes which explode them when they hit the ground or any hard object. The Lake Erie Chemical Co. warns purchasers of the dangers of this projectile:

On account of the velocity, weight, great penetrating power and explosion upon impact of the Tru-Flite projectile, all purchasers are hereby warned that serious injury or death may be caused should the projectiles strike any person while in flight. This shell is therefore not suitable for use against mobs, if serious injuries or deaths are to be avoided.42

In spite of these warnings the Tru-Flite shell is on the market, at \$8.50, loaded with tear gas, for any industrial, private, or govern-

mental purchaser.

The Federal Laboratories' product which competes with the Lake Erie Tru-Flite is the "Flite-Rite Projectile." This projectile is similar in size and shape to the Lake Erie product, having the same 9- to 10inch length and winged, torpedo shape, a weight of about 12½ ounces and a muzzle velocity of over 225 feet per second. The difference is in the advertised range (a more modest 365 yards) and in the fact that the projectile does not explode. The gas is released from a burning mixture which is touched off by a time fuze. The clouds of gas come out of vent holes in the side of the projectile which becomes heated to a very high temperature in the process, thus increasing the hazard of picking it up. Federal Laboratories gives a warning identical in wording to that of Lake Erie:

This shell is not suitable for use against mobs, if serious injuries or deaths are to be avoided.44

Federal also offers a long-range projectile without fins. range of about 150 or 200 yards and the same burning discharge with time fuze as the Flite-Rite. While this shell has not the extreme range of its winged brother it, nevertheless, is an extremely dangerous weapon for use in crowds. It is the favorite long-range weapon of They can purchase it for \$7.50 loaded with tear gas industrialists. and \$8 with sickening gas. Republic Steel Corporation bought 2,857 of them during the "Little Steel" strike of 1937,46

Mr. Ailes' warning that long-range gas projectiles may kill people was borne out during the 1937 "Little Steel" strike in Beaver Falls, Pa. 46 On June 28, 1937, George Mike, a steelworker, was talking to a group of pickets in front of the Moltrup Steel Products Co. when he was struck in the head by a gas projectile fired by a deputy sheriff on duty in front of the plant. This episode is described in statements

of evewitnesses as follows:

I was standing on 14th Street, near the ramp, and George-Mike was standing between me and the deputy on the ramp. I saw the deputy move the gun around and pointed it in the direction of George Mike, and the next thing I knew the gun went off and I saw George Mike spin around and fall to his face. Just before George Mike was shot I saw that he had his right hand in his pocket

<sup>4</sup> Pt. 2, exhibit 197, p. 589, a printed notice headed "Warning, Danger!"
4 Pt. 15-D, exhibit 2608, p. 7023, a printed notice headed "Danger! Warning!"
4 Pt. 27, exhibit 4649, p. 11460.
5 Pt. 15-D, exhibits 3612-3619, pp. 7027-7032.

He evidently had money there as he was splling tickets for a CIO dance or some affair in Aliquippa. Just previous to this he tried to sell me a ticket.

Then the deputy sheriff, Jay Jackson, stepped up on the ramp with a gas gun in his hand, and fired the same, which hit George Mike who was walking down the middle of the street about five (5) feet from where I was sitting. A group of the middle of the street about five (5) feet from where I was sitting. A group of men picked him up and carried him to a car. At the time George Mike was shot he had his hands in his pockets. He just came upon the scene at the time of the shooting. He evidently came to sell tickets as he had approached me at the Union Drawn Steel to buy a ticket for a CIO dance.

George Mike received a fractured skull and was taken to a hospital where he died the next day. The certificate of death reads:

I hereby certify that I viewed deceased 6-29, 1937; death is said to have oc-

curred on the date stated above, at 6:30 a. m.

The principal cause of death and related causes of importance were as follows: Fractured skull accidentally received by being struck with some object back of left ear during a strike at ———Steel Co., Beaver Falls, Pa.

Other contributory causes of importance: He was a picket—object may have

been a tear gas projectile or a club.

(Signed) Dr. H. C. McCurren, M. D., Coroner (Address) Beaver Falls, Pa.4

Under date of January 13, 1938, R. E. McCreary, district attorney of Beaver County, Pa., wrote to the secretary of this committee as follows:

DEAR SIR: Replying to your letter of January 12th with reference to the cartridge of the tear gas projectile which killed George Mike, I find on investigation that the tear gas projectile was purchased by the County of Beaver at Federal Laboratories, Inc., Pittsburgh, Penna., in the year 1933.

On July 5, 1934, James A. Engle, a member of the International Longshoremen's Association, on strike in San Francisco, Calif., received a fractured skull when struck on the head by a Federal Laboratories long-range projectile shot by a Federal Laboratories agent.41 The following is quoted from Mr. Engle's affidavit, describing his injury and its after effects:

I remained there on the street for some little time, and finally an ambulance came and I was taken to the emergency hospital, but later taken to the San Francisco Hospital. It was found that my skull behind my right ear had been pierced by a projectile about an inch and a half in diameter. The projectile which hit me was picked up by a friend of mine and given to me later. It is a tear-gas projectile and has printed on it the words "Federal Laboratories, Pitteburgh, Pennsylvania." I remained in the San Francisco Hospital 27 days before I was released, although, of course, I was not cured when released. I have been undergoing treatment continuously since that time for the injury which I received from the shell. I have a hole in my skull behind my right ear which is approximately an inch and a half in diameter where there is no bone, but only skin protecting my brain. I suffer almost continuously from pain, headaches and dizzy spells, and on frequent occasions I go into a coma for no apparent reason. I had always been healthy prior to this injury and, in fact, was never sick a day in my life. I have had to spend many hundreds of dollars for medical

<sup>41</sup> Pt. 15-D, exhibit 3614, p. 7029.
42 Pt. 15-D, exhibit 3616, p. 7030.
43 Pt. 15-D, exhibit 3618, pp. 7027-7028.
44 Pt. 15-D, exhibit 3618, pp. 7027-7028.
45 Pt. 15-D, exhibit 3619, p. 7032,
46 Pt. 15-D, exhibit 3619, p. 7032,
47 This incident is described in detail in the record. See pt. 15-D, exhibit 3709, pp. 7100-7101, addaylt of James A. Engle; pt. 15-D, exhibit 3708, pp. 7097-7098, deposition of J. M. Roush, pt. 7, exhibit 928, pp. 2505-2507, addaylt of James A. Duggar; pt. 7, exhibit 924, pp. 2507-2508, addaylt of Bertram Edices; pt. 7, exhibit 921, pp. 2724-2727, a letter from J. M. Roush, dated July 7, 1934; pt. 7, pp. 2504-2508, testimony of J. W. Young and B. H. Barker.

and hospital attention after I left San Francisco and have no assurance that I will ever be completely cured.42

The shell which fractured Mr. Engle's skull was admittedly fired by

Federal Laboratories salesman J. M. Roush. 53

The cases of George Mike and James A. Engle illustrate the effects of long-range projectiles when direct hits are scored on the heads of strikers. Charles Minor, of Canton, Ohio, appeared before the committee to testify about being struck directly in the mouth by a gas This incident occurred during the strike at the Berger Manufacturing Co., a Republic Steel Corporation subsidiary, in Canton during May 1935.4 Mr. Minor's hospital record reads as follows:

Patient's complaint: "Patient was standing at Carnahan and 11th St., N. E., watching the Berger disturbance. A bomb was shot from across the street by some strike-breaker and it struck patient in face, causing injury to same. Patient

immediately brought to the Emergency by police."

X-RAY REPORT \* \* \* "upper jaw comminuted fracture of jaw in front. X-RAY REPORT \* \* \* "upper jaw comminuted fracture of jaw in front. position good." "lower jaw transverse fracture right side in bicuspid region. Position perfect." \* \* \*

Doctor's progress notes. Dr. J. E. Purdy. 5-29-35. "face sutured in the Emergency Operating Room, liberal drainage applied. given antetetanus, 1500 units."
5-30-35. "greatly swollen face and eyes."

"fever coming down, liquids given." 6-2-35.

6-5-35. "improving."

"some of sutures removed." 6-10-35.

6-15-35.

6-21-35.

"out on chair, having considerable toothache."
"dressed and allowed to go to Court."
"all dressing removed, X-Ray shows jaws healing."
"dismissed from hospital improved." 6-26-35.

**6-29-35**.

Diagnosis: "Extensive laceration of face; compound fracture of superior and inferior maxilla; with loss of teeth on right side. End result fair. Considerable scarring and contracture on right side of face."

There is nothing in the testimony to indicate the make of the projectile which struck Mr. Minor. However, it was established that it was fired by Republic Steel guards who were known to be plentifully supplied with Federal Laboratories long-range projectiles. On May 27, 1935, 2 days before Mr. Minor was shot, Republic purchased 288 long-range tear-gas projectiles and 158 long-range combination tear and sickening gas projectiles from Federal Laboratories, Inc. 56 Republic did not purchase any munitions from the Lake Erie Chemical Co.57 so there remains no doubt that it was a Federal Laboratories projectile.

A clearer idea of the weapons which injured Mr. Minor and Mr. Engle and killed Mr. Mike can be obtained from the photograph of the arsenal of long-range projectiles, gas grenades, long-range shoulder gas guns, blackjacks and revolvers taken from the car in which four Republic Steel Corporation policemen were arrested in Canton, Ohio, on the same day Charles Minor was shot, May 29, 1935.

<sup>\*\*</sup> Pt. 18-D, exhibit 3709, pp. 7100-7101.

\*\* Pt. 7, exhibit 921, p. 2504, a letter from J. M. Roush to B. H. Barker, dated July 22, 1934; pt. 15-D, exhibit 3708, pp. 7097-7098, deposition of J. M. Roush.

\*\* Pt. 21, pp. 10027-10047, testimony of Julius Greenfield, Charles Minor, Wilbur Parsons, Semuel Marconi, and James L. Willians.

\*\* Pt. 24, exhibit 4347, p. 10185.

\*\* Pt. 23, exhibit 4320, p. 9068, a Federal Laboratories invoice to Republic Steel Corporation, \*\* See list of Republic Steel Corporation's munitions purchases, 1933-37, pt. 27, exhibit 4642, pp. 11443 ff., which contains no gas purchases other than from Federal Laboratories, Inc.

photograph is reproduced in the appendix. The effect of the projectile on Mr. Minor's jaw can be seen in the photograph of him which was taken immediately after his shooting, also reproduced in the

appendix.

Another severe facial wound received from a gas projectile is described in an affidavit of Orville Kane of Toledo, Ohio, relating his experience during the Electric Auto-Lite Co. strike in May 1984. Mr. Kane, a railroad fireman, and in no way connected with the Auto-Lite strike, was walking on the street over a block from the Auto-Lite plant when he was struck by a gas shell. We quote from his affidavit:

The two men with me called to me suddenly, but before I knew anything, something hit me right in the eye. It went right through the lid and lacerated the flesh from the corner of the right eye to the temple. I was not knocked unconscious, but after being hit directly in the right eye, I fell to the ground, then got up and went to the house nearby. \* \* The right eye was removed, and the doctors at St. Vincent's Hospital also removed a small piece of horse shows got up and went to the house nearby. \* \* \* The right eye was removed, and the doctors at St. Vincent's Hospital also removed a small piece of bone above the eye, before they inserted a glass eye. I have had three operations on the eye, once when it was removed, once when they put in the glass eye, and again later to make an adjustment. I have been told by Dr. Roberts that I need another operation to cut out the scar. I have been out of work for some time, as a result of the injury. I received no compensation for the injury. I was unable to continue in railroad work or to take an examination as locomotive inspector for the I. C. C., because of the loss of the eye.

During this strike the Electric Auto-Lite Co. bought \$6,201.79 worth of gas from Lake Erie and \$5,150.17 from Federal Laboratories.61

The extreme danger of these long-range projectiles was recognized and considered by an investigating committee of the "Citizens Welfare League" of Salinas, Calif., during the lettuce-workers strike in that city in September 1936. During that strike Federal Laboratories sold to the police department of Salinas, and the Monterey County sheriff's office 156 long-range Spedeheat projectiles of tear gas, 144 long-range Spedeheat projectiles of sickening gas, and 17 long-range Flite-Rite projectiles of tear gas. The Salinas investigating committee, after considering the uses of the long-range projectiles in connection with the strike, included the following among its recommendations:

That the so-called long-range bullet-like gas gun be barred from use within our

city limits because of its danger to our citizenry.

Your committee makes this recommendation after they have investigated and discovered that these long range gas guns are in their opinion the cause of the gassing of the Labor Temple and for the injuring of some of our people and it is only a miracle that someone has not been seriously injured by them because your committee has looked at places where those gas bullets have penetrated into casements in buildings and in other places through two-inch timbers.

In the group of "blast" type weapons are billy clubs, pistols, and revolvers, and all calibers of gas cartridge from .32 up to 1% inches. A variety of gas billies, which serve as stout clubs in addition to discharging blasts of gas, are made in lengths of from 9 to 22 inches. Some types of billies shoot their charge of gas instantaneously in a single blast. Other discharge with a several second continuous spray

<sup>\*\*</sup> See appendix G; facing p. 222.

\*\* See appendix I, facing p. 222.

\*\* See appendix I, facing p. 222.

\*\* Pt. 15-D, exhibit 3639, pp. 7024-7025.

\*\* See appendix A, p. 197.

\*\* See pt. 7, exhibit 363, p. 2657, a Federal Laboratories, Inc., invoice.

\*\* Pt. 7, exhibit 367, pp. 2659-2666, a report of the Citizens Welfare League, Salinas, Calif.

of gas which may be directed against several people. The range of the billies is from 20 to 35 feet. Special gas pistols and revolvers shoot gas cartridges of the "blast" type in shotgun-size calibers. Pen-type guns in small calibers are not important from the standpoint of the uses discussed in this report. The range of sizes of "blast" type gas cartridges goes up from 32 caliber to the huge 1%-inch caliber gas-riot shells over 9 inches long which are designed for use in the large shoulder guns. These shells blast a cloud of gas (plus, of course, wadding from the shell) directly from the gun muzzle. The gas comes approximately 40 feet and spreads possibly 20 feet wide.

The gas clubs supplied by Federal Laboratories received the following testimonial from the Lake Erie Chemical Co's. agent, I. H. McCarty:

The police here (San Francisco) are strong for the long range guns and short shells as well as the candles. They are not sold on our clubs and think Federal clubs are superior as a club but admit it is not so hot as a gas weapon. These cops here when they hit a man over the head are not satisfied unless he goes down and a good split occurs. Our clubs are too light for this purpose. Should you contemplate making them heavier advise.

An added refinement of the spray-type gas projectors is a portable tank, somewhat like a fire extinguisher, which can be carried on the back and which sprays gas from a nozzle. Four of these tanks, costing \$65 apiece, and 270 pounds of liquid gas at \$1 per pound, for use in them were included in the \$5,866.40 order for the sheriff of Summit County, Akron, Ohio, which the Goodyear Tire & Rubber Co. paid for during its strike in March 1936.

The last category of gas weapons, those thrown by hand, includes most of the gas sold for industrial and police work. Gas hand grenades are the most effective means of laying down a heavy barrage of gas because they are the largest containers used. Many different sizes and types of gas grenades are on the market. In size they vary from small pocket grenades up to "giants" of 6 by 3 inches weighing over 2 pounds. Some of these gas grenades explode to release their gas, in others combustion takes place inside and the gas comes out through vent holes. Some of them break apart when they go off, others jump about with crazy abandon. The modern gas grenade with the fantastic name of "Jumbo Triple Chaser" or "Jumper Repeater Instantaneous Candle" is the product of the gas manufacturer's ingenuity spurred on by the resourcefulness of strikers in the Electric Auto-Lite, San Francisco longshoremen's, and other strikes. The strikers, with the aid of asbestos and other padded gloves, picked up and threw aside or back at the police the old type of slow-discharging grenades. These new types were developed to prevent their being picked up. Some explode, others get very hot, discharge their gas very rapidly, or jump about so that it is impossible to pick them up.

A weapon which would make the professional soldier at home on the picket lines is the Lake Erie "Green Band Explosive Grenade." The action of this grenade can be best described by quoting from the manu-

facturer's instruction sheet:

<sup>\*</sup> Pt. 2, exhibit 248, p. 631, a letter from I. H. McCarty to A. S. Ailes, vice president, the Lake Eric Chemi-ai Co., dated July 4, 1934. cai Co., dated July 4, 1934.

4 Pt. 15-O, exhibit 2073, pp. 6480-6481, a Federal Laboratories invoice. See also p. 185.

Caution—One and three quarter seconds florier fuses can be supplied in order) after lever is released, this Grenade explores violently, throwing the sas instantly over a large circle around point of burst. The Grenade body tears into ribbons and these ribbons together with firing mechanism, are thrown with considerable force in all directions from point of burst, with possible severe injury to persons within a radius of approximately fifteen feet thereof.

This Grenade should not be thrown into a growd unless very severe treatment is necessary, as the pain from the high concentration of this gas in the eyes, nose and throat is almost unbestable. Unless drastic treatment is necessary, throw the Grenade about 30 or 40 feet "upwind" of the mob.

It was noted above that the evolution of the modern gas grenade which has produced such mutations as the Federal Laboratories "Jumbo Triple Chaser" and the Lake Erie "Jumper Repeater" was caused by the practice of strikers picking up and throwing back the slow-discharging grenades. In these two types we find grenades which break apart and jump around on the ground. The Triple Chaser is constructed of three separate cup-like pieces fitted on top of each other, together making a grenade of average size (5% by 2% inches). These cups are blown apart by a light explosion about 2 seconds after the grenade is thrown. They fly sizzling in different directions about 15 feet apart and, becoming intensely hot, give out their gas very rapidly by burning. They are Federal's most expensive grenades, costing \$11 loaded with tear gas and \$13 with sickening gas. Other Federal burning type grenades range from \$8 to \$12. The most popular Federal Grenade is the Jumbo (\$10 with CN and \$12 with DM).

The Lake Erie Jumper Repeater is the most terrifying of the nonexplosive grenades. It has a very heavy metal casing, and discharges the exploded gas through vent holes in its sides. The grenade takes its name from its disconcerting way of repeatedly jumping a few feet along the ground while the gas is being discharged. The jumping is caused by several explosions which take place within the casing without ripping it open. The Jumper Repeaters cost \$12 with a loading of CN and \$14 loaded with a combination of CN and DM. Other Lake Erie grenades of fast- and slow-discharging, nonjumping types cost from \$10 to \$14, the price depending on whether the loading is

tear or sickening gas.

The volume of gas which may be discharged from a single grenade may be visualized by the statement of Mr. Young, president of Federal Laboratories, Inc., who testified before the Senate Munitions Committee that the gas from one would very quickly fill a room the size of the hearing room.67 The hearing room was capable of seating approximately 200 persons.

# SECTION 6. ADAPTABILITY OF GAS FOR INFRINGING UPON CIVIL LIBERTIMS

Tear and sickening gas, as military and police weapons, are primarily harassing agents. Their functions are to move individuals or crowds of people by rendering a limited area untenable and, to a lesser extent, to incapacitate or overcome persons. The sale and use of gas as a policing weapon is urged and justified by the munitions vendors on the humanitarian ground that "gas is more humane than bullets."

et Pt. 2, exhibit 196, p. 589.
United States Senate, Special Committee Investigating the Munitions Industry, pt. 7, p. 1621.

Rather than being an alternative weapon to bullete, however, gas is an auxiliary. In many of the occasions of the use of gas investigated by the committee, it was found that gas and guns were used simultaneously. Sometimes gas is used by itself, sometimes prior to the time bullets are brought into play, and sometimes simultaneously.

The peculiar characteristics of gas render it the most effective weapon procurable for several different types of use. The physical effectiveness of gas, and the fact that its indiscriminate use is less likely to alienate public opinion than firearms, extend the power of the user of gas far beyond that wielded by possessors of armed force prior to the advent of tear and sickening gas in industrial and police arsenals.

The advantage of gas over firearms is described by salesman Ignatius H. McCarty, of the Lake Erie Chemical Co., in a letter to the president of that firm:

My appeal yesterday to the officers was to get the training now so that they could avail themselves of the "Multiplied Manpower" which gas would give them. In all my talks I refer to gas as multiplied man-power. I show how say 12 trained men properly equipped with masks, munitions and weapons can handle a mob of 5,000 better than 1,000 policemen armed with riot sticks. I then show them that the relation of 12 to 5,000 gives them an idea of the multiplied man-power of the gas.\*\*

The president of the Lake Eric Chemical Co. described the action of gas in his sales letter to the Dodge Brothers Corporation, Detroit, Mich., in the following terms:

The fact that Gas is more humane because it produces no permanent injury, is, to the writer's mind, less important than the fact that, this is the most effective of weapons. This is due to the fact that, while a machine gun may shoot several hundred bullets per minute, a chemical projectile contains and releases literally millions of chemical bullets which can go around corners and do all kinds of things that metal bullets cannot do at all, not being required to travel in straight lines. Moreover, when a metal bullet strikes its work is done, while the chemical bullet travels on and on under perfectly recognized laws and continues its usefulness. To

This description of the properties of gas weapons readily suggests their use when numbers of people are to be dispersed. The exercise of constitutionally guaranteed rights of freedom of speech and of assembly necessarily involves freedom to conduct uninterrupted meetings and gatherings in public and private places. Without such freedom; the guarantees are meaningless. Likewise, the exercise of legislatively guaranteed rights of labor to organize for the purpose of collective bargaining is only possible when free speech and free assembly are maintained. During times of widespread union-organizing campaigns, such as have been undertaken since 1933, when this right was written into the national labor policy, the most important cases involving the rights of free speech and assembly have arisen as a result of trade-union activities. Likewise, most of the deprivations of these rights have occurred in the course of suppressing trade-union activities. The frequency with which munitions, expecially gas weapons, have been used in these instances, makes it imperative that the peculiar adaptability of gas munitions for uses of this kind be considered in detail.

<sup>For discussion of instances of the use of munitions see ch. V.
Pt. 15-D, exhibit 3771, p. 7227.
Pt. 15-D, exhibit 3718, p. 7100.</sup> 

Typical of the use to which gas munitions are peculiarly adapted is the incident of the eviction of some 20 to 30 relief demonstrators from the hallway of the Crawford County Court House at Denison. Iowa, on January 11, 1937. Although the committee did not conduct a thorough investigation of this incident, it obtained affidavits from 19 witnesses and victims of the gas which are printed in the record. The incident briefly was this: In a demonstration against the refusal of the relief authorities to recognize their committee, this group of men, women, and children sat down in the second-floor hallway of the courthouse from whence they were routed by a deputy sheriff who tossed a gas grenade into their midst.

The presence of the persons in the hall of the court house was ex-

plained in one of the affidavits as follows:

I was at the courthouse because I had no job and the relief I was receiving was not sufficient so I could live. I could not get a job on WPA and could not find out the reason. I was at the courthouse to back up our committee who thought I should be given a job.73

The committee representing these persons, who were seeking W. P. A.: jobs, had the following experience, in the words of its spokesman:

Said grievances being that certain families had been denied any and all aid within the powers of said authorities to extend to them, and as a result of said denial, said families were in a state of acute suffering being without food, fuel or proper clothing.

The relief authorities of Crawford County refused to admit the need of these

families and would not explain why aid was refused them.

The relief authorities also refused to recognize the committee or the right of this committee or any other committee to inquire into the reasons for denying aid to any person or persons in Crawford County, or to answer any questions regarding such reasons.78

Upon being informed that their committee was not recognized by the County Board of Supervisors and the county relief administrator, the group of men, women, and children waiting in the hall decided to remain there until the committee was recognized. They seated themselves on benches and the floor in the hallway. The whole proceeding was, apparently, quietly and peacefully conducted until a deputy sheriff came up from the floor below, and, after his order to remove was disregarded, tossed a tear gas grenade in among the crowd. effects of this grenade, a Federal Laboratories Jumbo tear gas grenade,74 are described in previously quoted affidavits of some of the victims.76

Probably the physiological effects on these persons, who related in their affidavits that some of them had had practically no food for several days, were considerably more severe than they would have been on well-fed persons. The affidavits relate sore eyes, noses, throats, gums, and lungs for some days or weeks after the incident.

The persons who were so gassed were, by their own account, engaged both in peaceable assembly and in petitioning their Government for redress of grievances. Whatever the excuse for the use of gas in this instance was, the incident serves to demonstrate that gas munitions are peculiarly capable of being used to infringe such civil rights.

<sup>Pt. 7, exhibits 829-849, pp. 2442-2443 and 2639-2650 and pt. 15-D, exhibit 3606, pp. 7020-7022.
Pt. 7, exhibit 843, p. 2647, affidavit of Thomas Fleener.
Pt. 7, exhibit 829, pp. 2442 and 2443, an affidavit by Leslie Childress.
Pt. 7, exhibit 831-A and 831-B, pp. 2639-2840, affidavit of Frank L. North and photograph of gas grenade.
See footnotes 71-74 and pp. 22-23.</sup> 

Another illustration of the extension of power provided by the use of gas appears in the committee's Harlan County, Ky, investigation. The campaign of terror and bloodshed carried on by coal operators and the law-enforcement officers to combat the organizing activities of the United Mine Workers of America in Harlan County was investigated at considerable length by the committee and was the subject of a recent report.76 This campaign included various types of economic pressures, hundreds of armed guards and deputy sheriffs, and acts of terrorism ranging up to murder on several occasions. Testimony and evidence before the committee indicated the use of gas equipment on only a single occasion in Harlan County. This was on the night of January 22, 1937, in a second floor hallway of the New Harlan Hotel, in Harlan town.

In January 1937 the United Mine Workers of America renewed its organizing drive in Harlan County by sending a number of union organizers into Harlan from nearby counties to work with the local organizers. Fourteen of the United Mine Workers of America organizers were staying at the New Harlan Hotel on the night of January 22, 1937.7 L. T. Arnett, organizer in charge, warned his friends to be careful and not to be lured out of their rooms if any disturbance occurred in the hallway during the night. Because of warnings he had received from the clerk of the New Harlan Hotel and other persons, he felt that the lives of the organizers were in constant danger. 78 About 3 o'clock in the morning a gas grenade was set off outside the second floor room occupied by Mr. Arnett and another organizer. Arnett's description of what happened was as follows:

About 3 o'clock on the morning of the 23d, I heard a commotion in the hallway and someone shook my door. It aroused me but did not fully awaken me. Then I immediately heard a hissing and a sizzling sound at my door, and I thought they was going to use the dynamite. It did not take me long to get out of bed that morning. \* \* \* that morning.

Then at that instance I smelled a strange odor—I had never smelled tear gas before, but I realized it was not a fuse or explosives. So I jerked my door open and there lay three tear-gas bombs immediately under my door, and I raked them down the hall to my next or second-door neighbor and closed the door immedi-Just as I closed the door two terrific explosions occurred out in front of the hotel.

Well, of course, in a couple of minutes we were all crying, and there was quite a lot of commotion, and in some 3 or 4 minutes after this explosion, there was commotion all over the hotel, and I decided if they were trying to decoy us out, they would kill everybody, and I ventured out into the hall, and when I went into the hall, women and children and cripples and everybody was coming down half dressed and screaming and crying, and I had failed to dress at this time, and I have all of our records over the common out of their records executions. They turned this case I saw all of our people come out of their rooms except one. They turned this gas loose on the second floor of the hotel, and people were coming down the third, and the fourth, and all of them trying to get down together at the same time.

The "two terrific explosions" which Mr. Arnett heard shortly after the gas grenade was set off turned out to be dynamite charges exploded in the automobiles of two of the organizers across the street from the hotel. The panic which ensued in the hotel after the explosions and

Pts. 9 through 13, and S. Rept. No. 6, pt. 2, 76th Cong., 1st sess. Private Police Systems.
 Pt. 12, p. 4189, testimony of L. T. Arnett.
 Pt. 12, p. 4189, testimony of L. T. Arnett; pt. 12, p. 4203, testimony of Dan Breck, clerk of New Harlan Hotel.

70 Pt. 12, pp. 4190-4191.

80 Pt. 12, p. 4192, testimony of L. T. Arnett.

the discharge of the gas was further described by Dan Breck, clerk of the New Harlan Hotel, as follows:

Mr. Breck. At approximately 3 o'clock in the morning there was a terrific explosion somewhere in the neighborhood of the hotel. I woke up everybody but possibly two or three guests who were on the extreme back of the house, and at the same time I heard someone in the hall. I was on the feurth floor, in the rear, on the side. Somebody yelled, "Fire," I jumped out of bed and grabbed some clothes and stuck my head out of the door, and could not see down the hall for smoke, which I found out had come from the tear-gas bombs. I still did not know but what the house was on fire so I rushed on down the steps afraid of the know but what the house was on fire, so I rushed on down the steps afraid of the elevator if there was a fire, and when I got to the third floor the gas just about choked me up. I could not see and I could hardly breathe. So I stepped into a room standing open which somebody had vacated, and grabbed a towel and wet it and put it over my face and went down to the lobby. I was one of the last ones to get down to the lobby. There were some 50 people, I suppose, milling around the lobby, men and women and one or two children, all very excited.

The committee was unable to establish who actually set off the gas grenades. George Jenkins, the night clerk of the hotel, on duty at the time of the gassing, testified that he saw two men coming down the stairway immediately after the discharge of the gas, that both were masked, and that the one in the rear had a gun in his hand.

The identification of the two masked men who set off the grenade in the New Harlan Hotel would have been greatly facilitated if it could have been determined whose grenade they used. The three cup-like sections of the grenade, which indicated that it was a Federal Laboratories "Triple-Chaser" grenade, were recovered by a Harlan policeman and turned over to the sheriff of Harlan County. 33 The records of the sheriff indicated that he had purchased six of these grenades in 1935.84 Sheriff Theodore R. Middleton testified that he had used up all of his "Triple-Chaser" grenades, among the most expensive obtainable, in a "demonstration." 88

Although the sheriff received the sections of the used grenade, he refused to permit their examination by an investigator for this committee, giving as his reason that they were so badly burned that the serial number could not be read. 86 The reason for Sheriff Middleton's refusal to permit examination of the grenades was apparent when Special Agent Thomas Franklin Baughman of the Federal Bureau of Investigation testified that in his long experience as a ballistics expert familiar with gas equipment, he had never seen a gas grenade so burned by discharge that the serial number was obliterated. In order to illustrate his experience he set off a Federal Laboratories Triple-Chaser grenade at the request of this committee, and exhibiting the casing, testified that the metal sections were not distorted by discharge, and read with ease the serial number. 57 According to this expert testimony the serial number on the grenade in the sheriff's possession could not possibly have been obliterated by the explosion.

In its report on Private Police Systems this committee has considered Sheriff Middleton's testimony in detail and decided that his denial that he had used his Triple-Chaser grenades prior to January 22, 1937,

N Pt. 12, p. 4204.
Pt. 12, p. 4301.
Pt. 12, p. 4301.
Pt. 12, p. 4208, testimony of Sheriff Theodore R. Middleton.
Pt. 12, exhibit 1293, p. 4206, a Federal Laboratories invoice dated September 24, 1935.
Pt. 12, p. 4207.
Pt. 12, p. 4209, testimony of Sheriff Theodore R. Middleton and Jack B. Burke.
Pt. 12, pp. 4346-4349, testimony of Thomas Franklin Baughman.

and his statement that the serial number on the one used that night was obliterated, and are not convincing and cannot be credited.88

There can be but one conclusion regarding this entire incident. Regardless of whether the grenade came from the sheriff's stock or not, he was intentionally suppressing evidence which would have led to the identification of the perpetrators of this act by identification of the serial number. The discharge of the grenade in the hallway of the New Harlan Hotel can have had no other purpose than that of harrassing and intimidating the organizers for the United Mine Workers of America into abandoning their organizing campaign. The incident illustrates the ease with which gas equipment lends itself to such irresponsible use.

Tear and sickening gas are adapted to dispersing meetings and gatherings. The extreme ease with which meetings can be dispersed by a grenade tossed through a window or into a crowd illustrates the controls which must operate if constitutional rights of The use of gas free speech and free assembly are to be maintained. by extra-legal vigilantes to disperse meetings is described in a gas munitions salesman's letter. George F. Cake, Federal Laboratories salesman for California, wrote to his company's head office as follows:

As you know, we sold several orders of equipment to law enforcement agencies in Orange County during a recent strike of Mexican orange pickers. All sales were through correct channels and naturally full records kept as to whom we sold.

In order to combat radicalism, which cropped forth soon after the strike was under way, a vigilante committee was formed. On a couple of occasions the vigilantes raided communistic meetings being held to work the strikers up to commit violence. Tear and sickening gas was used by the vigilantes in breaking these meetings up.80

The grenades which the Orange County vigilantes used to break up the strike meetings, as revealed by their serial numbers, had previously been sold by Federal Laboratories to a Thomas Townes of the

Orange, Calif., police department. 90

Chapter V of this report deals in detail with several instances of the use of gas and other industrial munitions by private police forces and professional strike guards. The inherent irresponsibility of gas renders it doubly dangerous in the hands of the vicious and irresponsible agents frequently hired by industry to implement its antiunion policies. 91 Furthermore, it renders the strikeguard or company policeman doubly effective in carrying out those policies.

The testimony of the head of the country's largest distributor of

gas munitions indicates an attitude of indifference toward the potentialities of gas for such lawless use. John W. Young, president of Federal Laboratories, Inc., after being questioned about the use of his products, including the incidents of the Orange vigilantes and the

gassing of the relief demonstrators, remarked:

It's pretty hard to improperly use tear gas. 92

<sup>\*\* 76</sup>th Cong., 1st sess., S. Rept. No. 6, pt. 2, p. 90.

Pt. 7, exhibit 892, p. 2473.

Pt. 7, exhibit 891, p. 2472, a letter from Folger M. Smith to George F. Cake, dated August 21, 1936.

76th Cong., 1st sess., S. Rept. No. 6, Strikebreaking Services, and S. Rept. No. 6, pt. 2, Private Police Systems. Pt. 7, p. 2504, testimony of John W. Young.

# CHAPTER III. EXTENT OF INDUSTRIAL MUNITIONING

# SECTION 1. PLANT ARSENALS

As has been pointed out above, the committee made no comprehensive survey of the amount and kind of arms and police equipment kept in industrial plants throughout the country. In certain of its investigations, however, it required corporations whose labor policies were under examination to produce inventories of the arms and gas in their possession. The most outstanding inventories supplied were those of the Republic Steel Corporation and The Youngstown Sheet & Tube Co., whose stores of arms were highly relevant to the course of the so-called "Little Steel" strike in May and June of 1937. In investigating that strike the committee examined prominent instances of the use of these arms, as well as their character and distribution.

The Republic Steel Corporation and The Youngstown Sheet & Tube Co. listed their munitions as of May 25, 1938, and February 27, 1938, respectively. The totals given in these inventories included all the material that was bought in anticipation of or during, but not expended in the "Little Steel" strike of 1937. However, in comparing these inventories with the purchases made by the companies of arms and ammunition in anticipation of and during the "Little Steel" strike, it is revealed that most of the firearms had been purchased long before.

The Republic Steel Corporation, in the inventory submitted by it, stated that it possessed 552 revolvers, 64 rifles with 1,325 rounds of ammunition, 245 shotguns with 5,784 rounds of shotgun shells, 143 gas guns with 4,033 gas projectiles, and 2,707 gas grenades. inventory by plant and types of equipment is reproduced in appendix C of this report. In addition, the Republic Steel Corporation had 58 gas billies with sufficient cartridges therefor. This equipment, together with less aggressive police weapons, such as nightsticks, Sam Browne belts, billies, and gas revolvers, was distributed among The heaviest concentrations of the 14 districts of the corporation. equipment were in the Youngstown, Central Alloy, and Birmingham districts.2 The normal police force of this corporation, as of January 1936, in the 11 principal districts or divisions of its operations, was 275.3 This force was increased during the organizing drive of the Steel Workers Organizing Committee to a peak of 390 in August 1937. Most of the increase, according to the testimony of captains of the corporation's police force, consisted of men who were detailed to shadow and follow organizers during the campaign. Considering the arsenal then, as one maintained by the corporation in normal times. it will be seen that it contains more equipment than could be used by

<sup>‡</sup> Ibid. ‡ Pt. 26, exhibit 4551, p. 11132.

<sup>1</sup> P. 215. The inventory appears in the record as exhibit 4641, pt. 27, p. 11442.

a force of 300 men in the normal course of policing duties. When on duty the corporation policemen customarily carried revolvers. There was no need in the ordinary course of their work for the rifles, shot-

guns, gas grenades, gas projectiles, and gas guns.4

As this committee's report on private police systems indicates, the corporation was able to concentrate both its police force and its munitions in districts threatened by strikes. This was particularly true in the States of New York, Ohio, Illinois, and Pennsylvania, where the interchange of police forces and equipment seems to have been quite common. With the exception of the rifles, 50 of which were in the Birmingham district, and the shotguns, 96 of which were either in Alabama or in northern coal mines of the corporation, the bulk of the ammunition and arms of the company was in Ohio and

the surrounding area.

Discrepancies and omissions in this inventory of arms were reyealed by a careful analysis of the munitions purchase of the corporation during the period 1933 to 1938. The listed purchases of the corporation showed that it bought 4 submachine-gun magazines in 1933 and 1,000 rounds of ammunition for submachine guns in 1934.6 A deputy sheriff of the city of Canton, Ohio, testified before this committee that he saw a submachine gun in the Canton, Ohio, -plant of the Republic Steel Corporation during its strike in May and June of 1935. James L. Williams, superintendent of police of Republic Steel Corporation, testified that while the company never owned any machine guns, one E. E. Barbe, a policeman for the corporation, formerly employed in Canton, Ohio, had owned such guns.8 In a report of a deputy collector of the Internal Revenue Service of the United States Treasury Department, dated April 5, 1937, Mr. Williams is quoted as stating that in a "recent conversation" Mr. Barbe had stated that these 2 machine guns had been destroyed. Before this committee, Mr. Williams testified that Barbe's guns were destroyed prior to the strike in Canton in 1935. Mr. Williams' testimony concerning them was evasive and he could not state of his own knowledge that there had not been a machine gun in the plant during the Canton strike. On the basis of the whole record, the committee is inclined to fix the date of the destruction of these guns after the Canton strike. Barbe was later transferred to Birmingham, Ala., where he became captain of police.

Mr. Williams thought that he had probably ordered the ammunition for these guns, and there is no doubt that the corporation paid The Republic Steel Corporation's responsibility for these guns for it.

cannot, in the light of the record, be evaded or denied.

The records of the registration of firearms under the National Firearms Act of 1934, as kept by the United States Bureau of Internal Revenue and supplemented by material in the files of the Department of Justice, show that a subsidiary of the Republic Steel Corporation at one time possessed three machine guns. This was the Gulf States

<sup>4 8.4</sup> this committee's report on private police systems; S. Rept. No. 6, pt. 2, 76th Cong., 1st sess., pp. 178-

<sup>\*</sup> Ibid., p. 127 ff.

\* Ibid., p. 127 ff.

\* Pt. 27, exhibit 4642, pp. 11448-11449,

† Pt. 24, p. 10057, testimony of Waiter Paul Koeliner.

\* Pt. 26, p. 10690.

\* Pt. 15-D, exhibit 3653, p. 7055.

Steel Co., in Birmingham, Ala, which was absorbed by the Republic Steel Corporation in April 1937 10 One of these guns was sent to Gadsden, Ala; and the other two were kept in Birmingham. Ala. Contrary to the testimony of Mr. Williams, the guns were in the possession of the Republic Steel Corporation from April 1937 to May 1938, when they were turned over to the Gadsden police. 100

Another item of the munitions equipment of the Republic Steel Corporation, which does not appear on the inventory furnished by it, is a total of 58,000 rounds of .22-caliber long-rifle cartridges purchased in 1933 and 1934. The data collected by the committee does not reveal the calibers of the rifles owned by the corporation. The list of purchases reveals, however, the purchase of about fourteen .22-caliber target revolvers. What this vast quantity of .22-caliber cartridges

was purchased for is open to conjecture.11

A valuable indication of trends in industrial munitioning is reproduced in appendix D of this report,12 This recapitulation of arms and munitions purchases of the Republic Steel Corporation from January 1933 through January 1938 reveals two trends as to types purchased. First, chemical munitions were bought in large quantities to supplement the back log of more deadly weapons; second, the more dangerous sickening gas was replacing tear gas as the type of weapon stocked in greatest quantities. The 1937 purchases at the time of the "Little Steel" strike and immediately prior to it consisted of four times as much sickening as tear gas. Sickening gas or a combination of tear and sickening gas has severer effects than tear gas, as has been

It will be noted that gas projectiles and gas grenades, both of which are capable of aggressive use, far outnumber gas shells of the blast type, which have a very limited range.

The committee obtained the same sort of data from the Youngstown Sheet & Tube Co. This corporation employed 27,000 employees, a little more than half the number of employees employed by the Republic Steel Corporation. Its principal plant is in Youngstown, Ohio, with other properties at East Chicago, Ind. This company furnished an inventory of the arms and munitions owned by it in the Youngstown district only, as of February 27, 1938, which is reproduced in appendix E of this report.14 This inventory reveals 453 revolvers, 369 rifles, 190 shotguns, 8 machine guns and 40,000 rounds of machine-gun shells. These machine guns were not submachine guns but regular army model Colt and Lewis weapons.

According to statements of the company, these machine guns during the "Little Steel" strike of May and June 1937 were "wrapped up and buried in a coke pile." After the strike they were destroyed."

ie Pt. 7, exhibit 812-B, p. 2611.

1e Data supplied by Republic Steel Corporation pursuant to subpens.

1f Pt. 27, exhibit 4642, p. 11443.

1f Pt. 27, exhibit 4642, p. 11443.

1f This exhibit, a recepitulation of purchases of munitions by Republic Steel Corporation between January 1, 1933, and January 22, 1938, appears in pt. 27, as exhibit 4649, p. 11460.

1e James L. Williams, superintendent of police, Republic Steel Corporation, testified (pt. 27, p. 11369) that he had no reason for purchasing several times as much sickening as tear gas in preparation for the 1682 strike. Federal Laboratories agent Jack J. Baxter, who sold Republic the munitions, testified that Williams ordered half tear and half sickening gas and that Federal Laboratories, Inc., filled the order with wintered it had (pt. 27, p. 11269). Sickening gas is considerably more expensive than tear gas, and it is hard to believe that the Republic Steel Corporation bought over four times as much sickening as tear gas in 1937 against its wishes. its wishes 14 Pp. 219-220. The inventory appears in pt. 27 as exhibit 4590 on p. 11398.

The list of munitions purchased by this company between 1933 and 1938 indicates that it contemplated using these machine guns. list, reproduced in appendix F of this report, includes 2,000 .30 caliber Lewis machine-gun cartridges and 2,000 7 mm. Colt machine-gun cartridges. The supervisor of police of the Youngstown Sheet & Tube Co. testified that he thought these cartridges were "bought in May or

June of 1934" 17 when the company was expecting a strike.

The Youngstown Sheet & Tube Co., according to its inventory, possessed over 8,000 Springfield rifle shells of .45-.70 caliber; over 2,000 .30 caliber rifle shells; 2,000 .30 caliber Remington rifle shells for Winchester and other heavy caliber rifles. Rounds of such weight and range are more customarily served out to a military unit before The gages of the shotgun shells are not all light an engagement. hunting equipment; the 3,950 such shells on hand February 27, 1938, compared with the 4,825 purchased January 1, 1933, to February 1, 1938, would indicate some 875 expended, doubtless in target practice. In addition, the company had nearly 20,000 rounds of .38 caliber police revolver cartridges, a total greater than will be found in the police departments of fair-sized cities.

The Youngstown Sheet & Tube Co. was also well equipped with gas and gas equipment. In Youngstown it had 109 gas guns, or billies, including 24 gas machine guns, 689 gas grenades, and 2,447 items of gas ammunitions, that is, projectiles, long-range projectiles, or blast cartridges. The purchases of this equipment between 1933

and 1937 totaled \$28,385.39.

The munitions that this company bought in June 1934, for both its Youngstown and Indiana plants, in anticipation of a strike of its employees, cost over \$10,000 and are listed in detail in the record.18 Besides 12,500 revolver cartridges (.38 caliber, Colt police), and over 400 police nightsticks and hickory sticks, there are listed riot guns, gas riot pistols, gas billies, gas shotgun shells, gas hand grenades, gas candles, gas machine guns, gas short-range projectiles, gas longrange "offense" shells, "L. R. K. O. and tear gas shells" (a mixture of knock-out or vomit gas and tear gas, for long range) and "3 L. R. Field Guns" (long-range field guns). The listed "25 gas masks, 24 star shells, 24 illuminating shells" have a military rather than a policing connotation.

During the "Little Steel" strike of 1937 these two steel companies cooperated in their labor policy and in other modes of breaking the strike. Their munitions were available for use in the same industrial The arsenals of both of these companies are tabulated disturbance. side by side and totaled in the exhibit on the following page. total of this armament, practically all of which was in private hands, 19 is somewhat staggering to those who believe that under our form of government, responsible public authority alone should have arms and weapons in such quantities. Taking both the arsenals together, there are 1,881 guns of all types, 313 gas guns, 153,930 rounds of ball ammunition, 10,234 rounds of shot-cartridge ammunition, and

10.064 items of gas ammunition.

<sup>48</sup> P. 221. The list appears in pt. 26 as whibit 4596 on p. 11399.
17 Pt. 27, p. 11177, testimony of James M. Woltz.
18 Pt. 27, exhibit 4538, p. 11390.
18 Several items were given to the sheriff of Mahoning County during the "Little Steel" strike of 1937.

# Inventories of private arsenals of the Republic Steel Corporation and the Youngstown Sheet & Tube Co.1

Type of munitions	Republic Steel Cor- poration	Youngstewn Sheet & Tube Co. *	Total
Guns: Firegrms;	Number of guns	Number of guns	Number of guns
RevolversRifles	552 64	453 2 <b>6</b> 9	1,006 432
Machine guns	01.	8	103
Shotguns	245	190	475
Total guns	861	1,020	1,861
Cas guns:			
long range	143	11	167
Machine guns	0	24	24
Billie clubs	58	71	120
Revolvers	3	0	ق روند کې د ادرا
Total gas guns	204	109	\$18
Ammunition: Ball cartridge ammunition:	Number of rounds	Number of rounds	Number of
Revolvers	4 17, 650	19, 487	37, 187
Rifle	4 59, 350	16, 683	76, 033
Machine gun	4 500	40, 260	40, 700
Total rounds	77, 500	76, 430	153, 930
Shot cartridge ammunition:			
Shotgun shells	5. 784	3, 950	9, 734
Shot cartridges for submachine gun	6 500	0	800
Total rounds	6, 284	3, 950	10, 234
Gas ammunition:			4 to 4 to 5
Hand grenades.	2, 707	689	3, 396
Projectiles and shells	4,033	• 301	4, 394
Machine-gun projectiles	0	1, 357	1, 357
Billie-club shells	163	789	952
Revolver shells	25	0	25
Total rounds	6, 928	3, 136	10,064

<sup>1</sup> Taken from exhibits 4590, 4641, and 4642, pt. 27, pp. 11393-11394, 11442, and 11443-11449, <sup>2</sup> Republic Steel Corporation arms and ammunition inventory, as of May 25, 1938, exhibit 4641, pt. 27, p.

#### SECTION 2. DISTRIBUTION OF GAS MUNITIONS

The committee found that the large purchasers of gas munitions during the period it studied (1933-37) were employers involved in strikes or threatened strikes and law-enforcement agencies in localities affected by these strikes. As stated above, the sales records of the munitions vendors were tabulated and listed in the committee's record, except for those sales to purchasers who, by their nature, were removed from the scene of industrial conflict.<sup>20</sup> Sales of gas equipment to banks and to prisons or other correctional institutions and to the Federal Government were omitted. The list of purchasers was found to include industrial concerns of all types, private individuals.

<sup>1</sup> Republic Steel Corporation arms and ammunition inventory, as of Feb. 27, 1938.

4 This figure is not included in the inventory submitted to the committee by the Republic Steel Corporation. It is taken from exhibit 4642, a list of purchases of munitions by the Republic Steel Corporation during the reriod Jacuary 1933-January 1933-appearing in [t. 27 on pp. 11443-11449.]

5 No separate listing of long-range projectiles and short-range shells was given in the inventory (exhibit 4641). The probable proportion of each is indicated by the list of Republic Steel Corporation's purchases (pt. 27, exhibit 4642) which included 3,652 long-range projectiles and 806 short-range shells.

6 Of these, 201 are long-range projectiles and 90 are short-range shells.

<sup>20</sup> With a few exceptions, sales of less than \$50 to \$100 were omitted from the lists of gas sales.

detective agencies, employer associations, chambers of commerce. police, National Guard units, and other State and local law-enforcement bodies in short, every sort of organization or institution concerned with industrial disputes except labor organizations.

The committee recorded and tabulated from the books of the munitions vendors \$1,255,312.55 worth of purchases of gas and gas equipment. Approximately one-half of this amount is listed as purchased by large industrial employers and the remainder by local and State law-enforcement agencies.21 In considering the largest purchasers of gas equipment, it should be noted that all of the largest individual purchasers are corporations and that their totals far surpass those of large law-enforcement purchasers. In fact, the largest purchaser of gas equipment in the country, the Republic Steel Corporation, bought four times as much as the largest law-enforcement purchaser. It is significant that large purchases of gas by employers often parallel large purchases by law-enforcement agencies in the same localities at the same times. The law-enforcement agencies which police the areas occupied by some of the largest industrial purchasers are themselves the largest public purchasers. For example, the largest law-enforcement purchaser is the Ohio National Guard, having as its jurisdiction the State of Ohio in which the bulk of Republic's plants are located.

The largest purchasers of gas equipment are:22

# CORPORATIONS OR EMPLOYERS ASSOCIATIONS

Republic Steel Corporation	\$79, 712, 42
United States Steel Corporation	62, 028, 12
Bethiehem Steel Corporation	36, 173, 69
The Toungstown Sheet & Tube Co.	28, 385, 39
General Motors Corporation	24, 626, 78
Anthracite Institute	17, 457, 00
Goodyear Tire & Rubber Co	16, 912, 58
San Francisco employers 22	
National Steel Corporation	12, 085, 37
E. J. Hunt Co	12, 078, 88
Electric Auto-Lite Co	11, 351, 96
Ohio Insulator Co.	10, 077. 88
B. F. Goodrich Co.	7, 740, 60
Pennsylvania Railroad Co	7, 466, 25
Chrysler Corporation	7, 000, 00
Thompson Products, Inc	6, 867. 69
Seattle Chamber of Commerce	5, 873, <b>03</b>
Waterfront Employers Union, San Francisco	5, 512, 16
Columbian Enameling & Stamping Co.	5, 482, 02
Spang Chalfant & Co., Inc	5, 281. 35

<sup>\*\*</sup>For complete lists of gas sales of Federal Laboratories, Inc., see pt. 15-D, exhibits 3571-3572, pp. 6949-6992; pt. 28, exhibit 4772, p. 11611; pt. 28, exhibit 4701, p. 11763. For sales of the Lake Eric Chemical Co. see pt. 2, exhibit 191, pp. 866-575; and pt. 15-D, exhibit 3774, pp. 7231-7232. For sales of Manville Manufacturing Corporation see pt. 2, exhibit 191; pp. 584-687; pt. 15-D, exhibit 3785-3786, pp. 7241-7242; pt. 27, exhibits 4619-4622, pp. 11421-11423; pt. 28, exhibit 4672, p. 11611; and pt. 33, exhibit 5193. For sales of American Munitions Co. see pt. 18-D, exhibit 3785-A, p. 7243; pt. 28, exhibit 4691-A-4691-D; pp. 11738-11739.

\*\*These are the only organizations which appear in the committee's record as having purchased over \$5,000 worth of gas equipment apiece during 1933-37.

\*\*For details of this purchase see pp. 141-144. Payment was arranged by the assistant to the president of the San Francisco Waterfront Employers' Union paid for it, the total purchases made by this association (adding this to the purchase listed below and accredited to the association by the vendor), would be \$19,321.28. In February 1935 the Waterfront Employers' Union became the Waterfront Employers Union became the

Total 375, 992, 29

6, 842, 00

6, 718, 81 6, 708, 46

# Patricia vila to de la jeli LAW-ENFORCEMENT AGENCIES. John and transport part ovaid Ohio National Guard\_\_ Ohio National Guard \$20, 256, 79 Rhode Island National Guard \$4, 261, 55 City of Boston, Mass 13, 091, 97 Mahoning County, Ohio 13, 051, 71 City of Salinas and Monterey County, Calif.<sup>24</sup> 12, 962, 76 City of Detroit, Mich 12, 857, 69 Allegheny County, Pa 12, 795, 10 California State Highway Patrol 9, 813, 10 Louisiana National Guard 9, 719, 63 City of Youngstown, Ohio 8, 453, 40 City of Youngstown, Ohio City of Flint; Mich. Indiana National Guard. New York State, Department of State Police. Village of Kohler, Wis. City of Omaha, Nebr. 8, 898, 10 7, 745, 51 7, 283, 06 6, 885, 58

Lake County, Ill
City of Los Angeles, Calif
City of Providence, R. I

Thus, of the 20 largest gas purchasers among employers and groups of employers, we find 7 from the steel industry, 4 making automobiles or automobile parts, 4 groups or associations of employers, 3 of which

represent important shipping interests and the other anthracite coal mining, 2 rubber companies, 1 railroad, and 1 chemical company, Of the 18 largest law-enforcement agency purchasers, 4 are State National Guard units, 2 are State police or highway patrol forces, and

the other 12 are cities and counties.

This list of employers and employers' associations which have purchased over \$5,000 worth of gas apiece is undoubtedly incomplete, due to the prevalence of the practice of employers' paying for gas which is invoiced and delivered to law-enforcement agencies. The misleading state of the munitions companies' books and records prevents ascertainment of the true picture without endless search. Nevertheless, this incomplete total of \$375,992.29 for the 20 private purchasers of over \$5,000 apiece includes over 30 percent of the total recorded sales. Furthermore, the total amount of gas bought by the private employers and associations coming within this class of purchaser was more than twice as great as the total for the law-enforcement agencies in this class, and the top five corporations each bought more gas than the largest law-enforcement purchaser, the Ohio National Guard.

All purchases listed and investigated by the committee were plotted on a map of the United States. The result is probably the first gas map of the United States ever drawn. The industrial areas which

<sup>&</sup>lt;sup>34</sup> Purchases for the county and city are totaled because, according to the testimony of a Federal Laboratories representative, both contributed to the purchase of \$10,268.70 worth of gas during the lattuce strike in September 1936 (pt. 7, pp. 2455-2457). Purchases of Monterey County and the city of Salinas each total approximately \$6,500.

<sup>34</sup> The committee has been unable to identify the E. J. Hunt Co., the tenth largest private purchaser. For full discussion of this purchase, see p. 67.

<sup>36</sup> When the committee examined the records of the Lake Eric Chemical Co., it found invoices totaling \$3,243.40, showing sales of gas equipment to the sheriff of Lake County, Willoughby, Ohio, during a strike at the Ohio Rubber Co. in February 1935. Subsequent investigation revealed that this equipment had been billed on identically numbered invoices to the Ohio Rubber Co., paid for by and delivered to it. See pt. 21, pp. 9228 ff, and exhibits 4234-4237, pp. 9338-9339.

have had serious strikes are black with dots and the rest of the country

is only very lightly sprinkled.

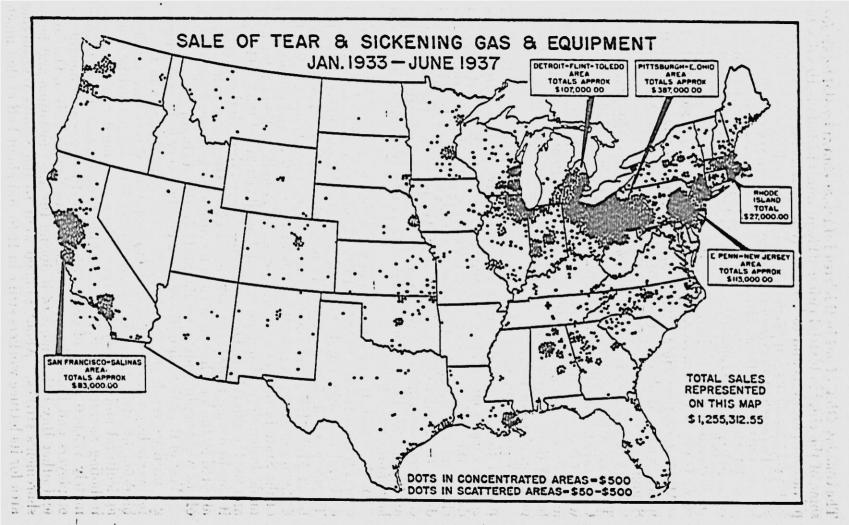
Looking over the map one is able to pick out the regions which have recently been affected by important strikes. Starting around the map we can recognize them as follows: On the north Atlantic coast the first black spot is Rhode Island where \$27,000 worth of gas was purchased. Some \$26,000 worth of this was sold in about 30 days during the September 1934 textile strike. Over \$14,000 of this total went to the Rhode Island National Guard, \$5,800 to the city of Providence, and smaller amounts to the State police and city of Woonsocket. The city of Boston bought some \$13,000, chiefly in November 1935, and immediately prior to a maritime workers' strike in August 1936. A like amount is distributed around the rest of Massachusetts.

New York's \$40,000 is scattered over the State with the New York State troopers as the best customer with \$7,200. New Jersey bought about \$24,000, most of it in the industrial section of the North. The largest single concentration in South Jersey was at Bridgeton in the agricultural district where packers and the police purchased over \$3,600 in 1934 and 1935. The black area in eastern Pennsylvania represents \$40,000 to \$50,000 in the anthracite coal, textile, and hosiery districts. The largest single purchaser in this area was the Bethlehem Steel Corporation with \$26,000 of gas shipped to its Bethlehem plant in June 1937. Another large purchaser was the Anthracite Institute which bought \$17,000 worth to keep bootleg miners out of coal holes.

The huge black blur covering western Pennsylvania, the panhandle of West Virginia, most of Ohio, and eastern Michigan contains nearly \$600,000 worth of gas, about half of the total for the country. These States have the bulk of American steel, automobile, rubber, and other heavy industries and have been the scenes of most of the serious strikes of the last few years. The large industrial purchasers of gas in this area, most of whom have had recent major strikes, are: 28

Republic Steel Corporation, with plants in Youngs-	
town, Canton, Massillon, Cleveland, Warren, Ohio,	
and Monroe, Mich.	\$80, 000. 00
United States Steel Corporation, with mills and mines	,
around Pittsburgh, Pa.; Youngstown and Lorain,	
Ohio, as well as other holdings not in this area	62, 000, 00
The Youngstown Sheet & Tube Co., Youngstown,	
Ohio	28, 000. 00
General Motors Corporation, with plants in Detroit	,
and Flint, Mich	24, 000. 00
Goodyear Tire & Rubber Co., Akron, Ohio	16, 000. 00
National Steel Corporation, with mills at Weirton, W.	•
Va., and Ecorse, Mich.	12, 000. 00
Electric Auto-Lite Co., Toledo, Ohio	11, 000, 00
Ohio Insulator Co., Barberton, Ohio	10, 077. 88
Bethlehem Steel Corporation, for its mills at Johnstown	20, 011.00
and Pittsburgh, Pa	10, 000. 00
and Timmings, To	10, 000. 00

<sup>&</sup>lt;sup>26</sup> For purchase dates and amounts, see appendix A. Round figure totals are used here for conveni<u>ence.</u>



The concentration of gas in this area is further shown by the totals for some of the chief industrial cities. These totals include both sales to private corporations and to law-enforcement agencies:

Youngstown, Ohio (including Republic Steel Corpora- tion and The Youngstown Sheet and Tube Company			
plants located there)	\$86, 0	00.00	
Pittsburgh, Pa	. 77, U	100. UU	
Akron, Ohio (including the suburb of Barberton)			
Detroit, Mich.		00.00	
Cleveland, Ohio	38, 0	00.00	
Toledo, Ohio	20.0	00.00	

Moving west we see a \$12,000 spot at Terre Haute, Ind., most of which was sold during the hard-fought Columbian Enameling &

Stamping Co. strike in 1935.

The Chicago area is spotted with about \$67,000 worth of purchases. The largest purchasers were Illinois Steel Co., a United States Steel Corporation subsidiary, with \$13,000, Republic Steel Corporation, with \$4,800, the Chicago police department, and the city and county authorities at Waukeegan, Ill., where nearly \$7,000 worth of gas was bought during the stay-in strike at the Fansteel Metallurgical Cor-

poration plant in 1937.

In Wisconsin there is a heavy sprinkling of gas over the southern part of the State representing approximately \$15,000 worth of gas sold to various city and county officials and the State National Guard during the milk strikes of a few years ago. The largest single purchaser in the State is the village of Kohler, which bought \$6,800 during the Kohler Co.'s strike there in August 1934. The other only considerable quantity in this area is about \$12,000 worth in Minneapolis and St. Paul. These sales were nearly all to State and local law-enforcement bodies.

In the South the distribution of gas is much sparser. The largest concentration is over \$14,000 in the Birmingham, Ala., area with its coal and iron mines and steel mills. The chief purchasers were the Tennessee Coal, Iron & Railroad Co., Alabama Fuel & Iron Co., Alabama Mills, Inc., and the city and county governments. Another \$14,000 worth of gas is scattered about the northern and eastern parts of the State in the cotton-mill towns. The bulk of these sales were made during the coal and ore mine and textile strikes of 1934. Georgia and the Carolinas have about \$45,000 scattered through them, most of it bought during their textile strikes. In New Orleans, which has been affected by the longshoremen's and maritime strikes, over \$8,000 worth of gas was bought, which has the State National Guard.

of gas was bought, chiefly by the State National Guard.

West of the Mississippi River there is only a very light sprinkling of gas until we reach the Pacific coast. The coastal region in the last few years has witnessed aggressive unionization drives with resultant hard-fought strikes, especially among its longshore, maritime, and agricultural and cannery workers. The area around San Francisco, including Sacramento, Salinas, and Stockton, accounted for approximately \$75,000 worth of gas. \$36,000 worth of gas was bought by employers and law-enforcement agencies in San Francisco, Oakland, and other Bay cities, most of it during the 1934 maritime and long-shoremen's strikes. About \$13,000 went to the Salinas-Watsonville area for its lettuce workers strike in 1936 and about half of that much

for the Stockton cannery strike in 1937. Mainly during longshoremen's and seamen's strikes, purchases in Seattle totaled \$7,500, and in Los Angeles \$12,000. In all, west coast employers affected by the longshore and maritime strikes have, since 1933, bought about \$30,000 to \$35,000 worth of gas. This gas has in the main been bought by employers' associations such as the Seattle and Tacoma Chambers of Commerce and the Waterfront Employers Union of San Francisco. In San Francisco employers and employers' associations bought over \$22,000 worth of gas during the 1934 maritime and general strikes alone.

The physical volume of gas for which one million and a quarter dollars has been spent by employers and law-enforcement agencies can only be realized if the dollar amount is translated into concrete The potential effect of this gas on picket lines and meetings, crowds and mobs, can be visualized if it is measured in terms of the grenades and projectiles which have been previously described. This

total amount may be represented by any of the following:

166,000 ordinary long-range projectiles of tear gas. 32

125,000 Federal Laboratories Jumbo Spedeheat tear gas grenades or Lake Erie Lightning Universal tear gas candles; \*\*
104,000 Jumper Repeater Instantaneous tear-gas candles or Jumbo Spedeheat sickening gas grenades; <sup>30</sup>
147,000 long range Tru-Flite or Flite-Rite tear-gas projectiles; <sup>31</sup>

Using the figure of 125,000 Jumbo tear gas grenades, some idea of the effectiveness of this quantity of gas, in terms of strikes, can be gained by the following two examples. According to statistics of the Bureau of Labor Statistics of the United States Department of Labor there have been approximately 25,000 strikes in the United States during the 16 years between 1921 and 1937.33 Allowing 5 grenades per strike (and 5 grenades judiciously placed are more than sufficient to disperse a picket line) 125,000 grenades would have broken a picket line for every strike in the United States during the last 16 years. Or, limiting the number of strikes to the 4½-year period during which this gas was sold, there were approximately 10,500 strikes involving 5,867,000 men between January 1933 and July 1937.34 Using these figures we find an average of 12 grenades or \$119 for each strike and 1 grenade for every 47 men.

In appendix A and appendix B will be found lists of large purchases of tear and sickening gas equipment by other than law-enforcement agencies.35 These lists have been compiled from the several such lists and additional data in the committee's record. Appendix A is a list of all purchasers, exclusive of law-enforcement agencies, who have bought over \$1,000 worth of gas each between January 1933 and June 1937. Appendix B is a list of all purchasers, exclusive of law-enforcement agencies, who have bought between \$300 and \$1,000 worth of gas each between January 1933 and June The 80 individual corporations and employers associations:

in appendix A purchased \$490,598.93 worth of gas and the 116 com-

panies and individuals in appendix B purchased \$57,532.19.

Appendix A also includes data on the labor situation, existing in the plants or industry of each purchaser contemporaneously with the purchases of gas munitions, insofar as such data are obtainable from the files of strikes maintained by the Bureau of Labor Statistics of the United States Department of Labor and from local newspapers. The coincidence of purchases of munitions with developments such as union organizing drives, strike threats and strikes will be discussed in detail in chapter IV.36

Steel companies lead the list of \$1,000 purchasers, 15 of the 80 firms being in this industry. These 15 companies, and their subsidiaries, some of which operate coal and iron mines, purchased over \$244,000 worth of gas. This is more than half of the total for the 80 largest purchasers and one-fifth of the total recorded sales to purchasers of all kinds. Other industries well represented in the list of 80 largest purchasers are: Textile, 12; oil and food products, 6 each; rubber, 5; automobiles and automobile parts, 5. Six employers' associations or groups are also in this list, 5 of which are prominently identified with the Pacific coast shipping industry.

When the 196 purchasers of gas equipment, whose names appear in the two lists, are classified by industries, we find the following totals:

Textile	32
Steel and iron	27
Coal	
Railroads and public utilities	11
Food products	10
Other metal	
Automobiles and automobile parts	8
Oil	8
Rubber	6

Each of these industries, with the exception of railroads, has been the object of union organizing drives during the period covered by these purchases of gas equipment. The interest and participation of railroad companies in strikes affecting their customers is indicated by the activities of the Pennsylvania Railroad police during the 1937 "Little Steel" strike.37

# SECTION 3. PURCHASES OF OTHER TYPES OF MUNITIONS

That gas and gas equipment have not displaced firearms in the arming of corporation police is further indicated by an examination of the recent arms purchases of certain large corporations into whose labor policies the committee conducted investigations less exhaustive than its inquiry into the "Little Steel" companies.

The first of these was the Goodyear Tire & Rubber Co., which was the subject of hearings before the committee in March 1937.38 This company spent a total of over \$22,000 for munitions and arms in the 4-year period 1933-36, inclusive. Over \$16,000 of this amount was for gas and gas equipment, but the purchases included 150 revolvers,

<sup>\*\*</sup> Pp. 59 ff.
\*\* See pt. 19, pp. 8363 ff. See also pts. 32 and 33.
\*\* Pt. 8, p. 2939-3051.
\*\* Pt. 8, exhibit 1067, p. 3198.

with adequate supplies of ammunition for them, 20 riot guns, and 1,616 clubs.40

In response to a subpena of this committee the Tennessee Coal, Iron & Railroad Co., a subsidiary of the United States Steel Corporation, with ore and coal mines and steel mills in and around Birmingham, Ala., furnished a list of its purchases of arms during the period from January 1, 1933, to November 30, 1936.41 According to a statement submitted by this company, it suffered a strike at its coal mines from April 14, 1934, to May 3, 1934, and another at its ore mines from May 4, 1934, to July 2, 1934. Most of its munitions were purchased during or in anticipation of these strikes, with lesser purchases of ammunition coinciding roughly with an anticipated strike at its coal mines in March 1935, and an actual strike of coal miners from September 23, 1935, to November 20, 1935. The company expended a total of \$10,629.93 for arms and munitions in 1934, of which only \$1,803.50 went for gas and gas equipment. During the period April 20, 1934, to June 16, 1934, the company purchased 199 revolvers of various calibers, 2 automatic revolvers, 111 pump guns or automatic shot guns, 11 rifles, and 2 automatic rifles. Two Thompson submachine guns were ordered by the company from Federal Laboratories, Inc., on April 17, but according to the records of Federal Laboratories, were never delivered. At that time the company already had in its possession 2 Thompson submachine guns.4 Later, in 1936, it purchased 2 Cutts compensators for these guns, showing a continuing interest in their use.46 During the strike period in 1934 the company purchased nearly \$1,000 worth of am-This ammunition was probably intended not munition for firearms. only for the guns purchased during the same period, but also for the arms already in company's possession. The committee required no inventory of arms from this company, but a questionnaire filled out by the company when it sought to purchase the 2 machine guns in 1934, to states that the company, at that time, before it had made any of the arms purchases listed above, had "numerous revolvers, teargas weapons, rifles, and shotguns."

These arms, purchased in 1934, were apparently intended to supplement the personal equipment of the 800 or more deputy sheriffs selected, paid, and bonded by the company in 1934.47 What is perhaps most significant in the data furnished by the Tennessee Coal, Iron & Railroad Co. is the fact that gas and gas equipment were secondary to firearms in the munitions of the company.

Other evidence of continuing emphasis on firearms in recent years was provided by the police records of the United States Coal & Coke Co. at Lynch, in Harlan County, Ky. Lynch is a company town

<sup>46</sup> According to testimony of the company's officials some of the gas purchased was for the use of the local

<sup>4</sup> According to testimony of the company's officials some of the gas purchased was for the use of the local sheriff. See pp. 85 ff.
4 Pt. 15-C, exhibit 2856, p. 6343.
4 Pt. 3, p. 736, statement submitted by Borden Burr, counsel for the Tennessee Coal, Iron & Railroad Co.
4 In addition to the tsbulation of purchases, printed as exhibit 2856, in pt. 15-C, the company submitted supporting invoices and vouchers from which the following statements were compiled.
4 Questionnaire furnished by the Tennessee Coal, Iron & Railroad Co. in support of its order of 4-17-34.

Held in committee files,

4 Pt. 15-O, exhibit 2856, p. 6343.

4 Held in committee files.

<sup>&</sup>quot;Held in committee files.

Records submitted by the company furnished pay-roll data concerning the deputies hired during this strike. Deputies were apparently requested to bring their own arms. Particularly important documents with reference to these deputizations are reproduced in pt. 15-C, pp. 6299-6345, exhibits 2799-2856. An analysis of other material is retained in committee files.

policed exclusively by the company policemen of the United; States Coal & Coke Co. The company kept there 42 high-powered Winchester rifles, some of .38 but most of .30 caliber, 4 Winchester 12 gage shotguns, and 25 revolvers, with ammunition for all these types of firearms. In 1936, in addition to these arms it had 48 tear-gas grenades, 8 tear-gas-guns, 96 long-range and 24 short-range tear-gas

The committee's data on the purchase and distribution of machine guns, incomplete though it is, constitutes a further indication that tear gas has not yet displaced firearms. 50 It is striking that many of the industrial employers who have made the largest purchases of tear and sickening gas in recent years are also owners of machine and submachine guns. While most of these guns were purchased a number of years ago, principally during the twenties, they have been retained in the plant arsenals, supplemented by the purchase of gas and gas equipment. Seven out of the thirteen corporations making the largest purchases of gas and gas equipment, listed in appendix A, purchased or possessed Thompson submachine guns or regular armytype machine guns. Among the seven were the Republic Steel Corporation, United States Steel Corporation, Bethlehem Steel

Corporation, and the Youngstown Sheet & Tube Co.

One of the most interesting conclusions that may be drawn from the data on the purchase and possession of machine guns and the purchase of tear gas, concerns the coal industry. Coal-mining companies have purchased more machine guns in the past than any other industrial group. Most of these purchases were made before 1933. The list of gas sales show that very little gas has been bought by coal companies since 1933. This state of affairs can perhaps be explained by the fact that the coal industry, by and large, accepted the principle of collective bargaining in 1933 and has had comparatively peaceful labor relations since that date. 51 The correlation between munitions purchases and struggles against union recognition will be fully treated below in chapter IV. Being arms purchasers in the past, the coal companies could reasonably be expected to be gas purchasers in recent years. That the contrary is the case suggests that industries turning from a policy of opposition to unions to one of acceptance of collective bargaining, no longer feel the necessity to lay up industrial

In an examination of the coincidence of possession of gas equipment with possession of machine guns, we start at the top of the list of large gas purchasers. The Republic Steel Corporation headed the gas list with purchases of nearly \$80,000. We have already discussed the evidence which indicates that this company had possession, at

<sup>4</sup> For a description of the government of Lynch and complete suppression of civil liberties there in the period 1933-1937, see this committee's report entitled "Private Police Systems," 75th Cong., 1st sess., 8. Rept. No. 6, pt. 2, p. 45 ff. Like the Tennessee Coal Iron & Railroad Co., the United States Coal and Coke Co., is a subsidiary of United States Steel Corporation. The steel-making subsidiaries of the parent organization, although large purchasers of gas munitions in 1933 and 1934, bought no tear gas after signing with the Steel Workers Organizing Committee in 1937; see p. 65.

4 Pt. 11, exhibit 1258-N, p. 4113 ff.

5 Exhibit 812-B, pt. 7, pp. 2609-2627 is a list of 330 machine guns owned or possessed by industrial concerns.

7 The principal exception to the record of peaceful labor relations in the coal industry is Harian County. For a complete description of attempts to prevent the unionization of miners there from 1923 to 1937, see this committee's Report on Private Police Systems, S. Rept. No. 6, pt. 2, 76th Cong., 1st sess. As pointed out in that report, the Harian County coal operators stood out practically alone in their opposition to unionization after 1933.

least, as late as 1934, of two Thompson submachine guns, allegedly owned by one of its police officers. That these guns were under the control of the corporation is indicated by the fact that it purchased several thousand rounds of ammunition for them. The Gulf States Steel Co., prior to its acquisition by Republic Steel Corporation owned

three Thompson submachine guns. The United States Steel Corporation, second largest gas purchaser with over \$62,000 worth of gas equipment, owned at least three Thompson submachine guns to the committee's knowledge. The Carnegie Steel Co., a subsidiary of United States Steel, which purchased nearly \$12,000 worth of gas, purchased one Thompson submachine gun in 1921. The National Tube Co., a United States Steel subsidiary which purchased over \$10,000 worth of gas, owned three Thompson submachine guns which had been purchased in 1921.4

The next largest purchaser of gas equipment during recent years is the Bethlehem Steel Corporation with over \$36,000 worth. 7 This company purchased two 7-mm round-type air-cooled Colt machine guns in 1909.68 In addition to these machine guns, the Bethlehem Steel Corporation possessed one Thompson submachine gun which it kept in its police headquarters at its Johnstown, Pa. works. The Bethlehem Shipbuilding Co., another Bethlehem Steel Corporation subsidiary, kept a sawed-off shotgun at its Alameda, Calif., works, o

The eight Army-type Colt and Lewis machine guns which formed the backbone of The Youngstown Sheet and Tube Company's arsenal, to which it added \$28,000 worth of gas equipment between 1933 and 1937, have been discussed above. 61 Other purchases of Thompson submachine guns by large gas purchasers were made by the Chrysler Corporation and the Pennsylvania Railroad Co. One submachine gun was bought for the police department of the city of Hamtramck, Mich., with funds advanced by the Chrysler Corporation. 62 The Pennsylvania Railroad Co., purchaser of over \$7,000 worth of gas equipment, bought 1 Thompson submachine gun in 1930.68 This, it should be recalled, was in addition to its arsenal which was revealed in 1915 to include 5,113 revolvers and 100 shotguns.64

Another industrial employer which stocked machine guns together with gas equipment was the Hudson Coal Co. of Scranton, Pa. This company purchased one .30-caliber Colt automatic machine rifle on August 10, 1922.65 It added \$699.22 worth of gas equipment in October 1933 and then purchased two Thompson submachine guns in March 1934.66 This company's registration statement in the

<sup>87</sup> See pp. 42-43.
88 Pt. 7, exhibit 812-B, p. 2611, a list of purchases of machine guns by industrial concerns.
88 Bee appendix A, p. 208, a list of purchasers of gas equipment over \$1,000.
89 Pt. 7, exhibit 812-B, p. 2623.
80 See appendix A, pp. 208-209, and pt. 7, exhibit 812-B, pp. 2622-2624.
81 See appendix A, pp. 194.
81 See hearings, U, S. Senate Special Committee Investigating the Munitions Industry. Pt. 37, exhibit 4732, p. 12746, a list of sales of rifle-caliber machine guns, exclusive of sales to U. S. Government, by Colt's Patent Fire Arms Manufacturing Co. Sale made on October 19, 1909.
82 Pt. 7, exhibit 812-B, p. 2623.
83 Pt. 7, exhibit 812-B, p. 2612.
84 See p. 43.

<sup>68</sup> See ch. VI, p. 138.
61 See ch. VI, p. 138.
62 See ch. VI, p. 138.
63 Pt. 7, exhibit 312-B, p. 2622.
64 See ch. I, p. 7.
65 U. S. Senate, Special Committee Investigation of Munitions Industry, exhibit 4732, p. 12755 a list of sales of automatic machine rifles by Colt's Patent Fire Arms Manufacturing Co.
65 See appendix B, p. 214, and pt. 7, exhibit 312-B, p. 2624.

Bureau of Internal Revenue states that it also owns 18 sawed-off shotguns.67 The picture of large tear- and sickening-gas additions to arsenals which already contained machine guns and sawed-off shotguns continues with the following examples:68

Alabama Mills, Inc., of Birmingham, Ala. purchased \$2,772.20 worth of gas equipment and owned eight Thompson submachine guns;

Alabama Fuel & Iron Co., also of Birmingham, Ala., purchased \$458.10 worth of gas equipment and owned five Thompson submachine guns;

The De Bardeleben Coal Corporation of Birmingham, Ala., purchased \$338.70 worth of gas and owns six Thompson submachine guns;

The Phelps-Dodge Corporation of Bisbee, Ariz., while purchasing only \$414 worth of gas equipment owned 13 Browning Automatic machine guns and 10 sawed-off shotguns, 5 being pump guns;

The Standard Oil Co. of California, purchased \$900 worth of gas-

equipment and owned 22 sawed-off shotguns;

Two Thompson submachine guns, were shipped to the Hart Coal Corporation of Morton's Gap, Ky., which also purchased \$316.50 worth of gas equipment;

The Anaconda Copper Mining Co., of Butte, Mont., purchased \$4,470.48 worth of gas equipment to go with its single Thompson

submachine gun;

B. F. Danbaum, operator of an Omaha, Nebr., detective agency, purchased \$259.20 worth of gas equipment as an addition to his arsenal of two Thompson submachine guns, six sawed-off shotguns, one sawed-off rifle, and one pistol with a silencer;

Jones & Laughlin Steel Corporation, of Pittsburgh, Pa., which purchased \$4,700 worth of gas equipment and also three Thompson

submachine guns: 69

The Jeddo Highland Coal Co., of Jeddo, Pa., purchased \$528 worth

of gas equipment and also owned six double-barreled riot guns;

The Wheeling Steel Corporation, of Wheeling, W. Va., and Portsmouth, Ohio, purchased \$300 worth of gas equipment, and in addition owned one Colt machine gun:

Anastase A. Vonsiatsky, of Thompson, Conn., purchaser of \$264 worth of gas equipment from Federal Laboratories, Inc., also pur-

chased one Thompson submachine gun in 1930.70

Owners or purchasers of large numbers of machine guns which do not appear in the committee's record of purchasers of gas equipment are: 71

The Andrews Steel Co., Newport, Ky., seven Thompson submachine

Clinchfield Coal Co., of Danta, Va., five Thompson submachine guns, two riot guns, one automatic rifle, and two riot pump guns;

Pocahontas Coal Operators Association, Pocahontas, Va., four Colt .30-caliber machine rifles, eight Thompson submachine guns;

T. L. Felts of Baldwin-Felts Detectives, Inc., of Bluefield, W. Va., 16 Thompson submachine guns;

<sup>\*\*</sup> Pt. 7, exhibit \$12-B, p. 2624.

\*\* Data from appendix A and appendix B, lists of sales of gas equipment to large purchasers; pt. 2, exhibit 191, list of sales of gas equipment by the Lake Eric Chemical Co.; and pt. 7, exhibit \$12-B, list of purchases of machine guns and registrations of sawed-off shotguns by industrial concerns.

\*\* The committee has been informed by the Bureau of Internal Revenue that these submachine guns have been destroyed.

have been destroyed.

Information from records of Auto Ordnance Corporation, New York City, and Abercrombie Fitch Co., New York City.

Pt. 7, exhibit 812-B, pp. 2616-2625 and p. 2626.

Gopher State Mines Com of Duluth, Minn., purchaser of seven Thompson submachine guns during 1927 and 1928;

Lundale Coal Co., address unknown, 10 Colt machine guns. 72

## SECTION 4. COMPARISON OF ARMAMENTS OF EMPLOYERS AND LAW-ENFORCEMENT AGENCIES

The arsenals and arms described in this chapter are kept by the companies which own them ostensibly as part of their police equip-They are usually in the custody of and available to the plant police. It is interesting to compare them with the equipment of duly

constituted public police.

The police department of the City of Chicago, second largest center of population in the United States, with extensive and valuable industrial properties within its jurisdiction, purchased gas and gas equipment as part of its protective equipment. In the period January 15, 1933, to June 26, 1937, it bought 589 tear-gas grenades of assorted types, 13 gas guns, and 168 gas-gun shells, predominantly tear gas and of the short-range blast type.73 This was presumably sufficient to meet the police problems arising throughout the city during the entire 41/2-year period. During the same period the Republic Steel Corporation purchased 3,062 gas grenades, 561 of them loaded with tear gas, and 2,501 with sickening gas, 3,652 gas projectiles of the long-range type, 2,501 of them loaded with sickening gas and the remainder with tear gas, or a combination of tear and sickening gas, 806 short-range or blast-type gas shells, and 142 gas guns. In short, The Republic Steel Corporation, with 52,775 employees 75 purchased more than 10 times as many gas guns, and more than 26 times as many gas shells and gas projectiles, as the police department of the city of Chicago, with a population of 3,376,438 persons.76

In its Chicago plants alone, the Republic Steel Corporation possessed. gas equipment in some respects exceeding that of the Chicago police. There it had 198 gas projectiles, 30 more than the Chicago police, and 221 gas grenades, over one-third as many as the duly constituted

authorities.77

The significance of this comparison is increased by a consideration of the difference between the police problems faced by plant police and those within the jurisdiction of public authorities. If plant police may properly use weapons of this type at all it is only to repel trespassers. City police are also called upon to perform this duty, as well as to police crowds, demonstrations, and other assemblages, on the streets and thoroughfares. It cannot be contended that a steel corporation has greater problems in the handling of crowds and pickets than our second largest metropolis. This comparison between

<sup>&</sup>quot;U.S. Senate, Special Committee Investigating the Munitions Industry, hearings, pt. 37, exhibit 4732, p. 12755. The pury hase was made on September 19, 1921.

Pt. 14; exhibits 1342-A and 1342-B, p. 5013.

Pt. 27, exhibit 4649, p. 11469; a recapitulation of types of munitions purchased by Republic Steel Corporation. See also pt. 27, exhibit 4642, p. 11443. The first purchase of munitions shown on the tabulation of Republic Steel Corporation's purchases, exhibit 4642, is dated June 5, 1933, and the last purchase of gas or gas equipment is dated June 23, 1937. Thus, while exhibit 4649 covers the entire period January 1, 1932, to January 22, 1938, the actual purchases fall within the period January 15, 1933, to June 25, 1937. The data supplied by the Chicago police department in pt. 14, exhibit 1342, p. 5013, shows all purchases within the same dates.

Pt. 27, exhibit 4641, p. 11442.

the respective stocks of gas purchased by the two indeed raises the question whether the Republic Steel Corporation bought its gas solely for legitimate protective purposes, without some more aggressive

and illegal use in view.

The record provides another comparison between the police equipment of public authority and the private arsenals of an industrial corporation. The sheriff of Mahoning County, Ohio, embracing the city of Youngstown, whose force was called upon to police the strike situation there in May and June 1937, furnished the committee with It included 1 Thompson an inventory of his police equipment. submachine gun, with 700 rounds of ammunition, 61 shotguns, with 670 shotgun shells, 10 rifles with 345 rifle shells, 50 gas guns with 344 long-range and 163 short-range gas shells, and 378 gas grenades, an armament that would seem adequate for almost any civil disorder.78 In fact, Mahoning County, as indicated by the table reproduced above (p. 47), is the fourth largest public purchaser of gas in the United States, with \$13,051.71 worth, and has bought more gas and gas equipment in the last 5 years than any other county government. If the \$8,453.40 worth of gas purchased by the city of Youngstown—the country's third largest municipal gas purchaser—is added to that of Mahoning County, the total reaches \$21,505.11, topping all public purchasers in the country. The committee did not receive an inventory of the arsenal of the Youngstown police department, but ascertained that it did have a single Thompson submachine gun. The arsenal of The Youngstown Sheet and Tube Co., maintained in the same city, overshadows these public arsenals completely. The dollar value of the gas purchased by The Youngstown Sheet and Tube Co.— \$28,385.39—exceeds the total of Mahoning County and the city of Youngstown by 33 percent. As has been stated above, that company, in Youngstown alone, possessed 8 machine guns, with 40,260 rounds of ammunition, 190 shotguns, with 3,950 shotgun shells, 369 rifles, with 16,638 rounds of rifle bullets, 14 gas guns, and 24 gas machine guns with 1,658 round of gas ammunition therefor, and 689 gas grenades. If to this be added the munitions kept by Republic Steel Corporation in its Youngstown plants, including 170 gas grenades, and 397 gas projectiles, the contrast is even more marked. Eight regular machine guns contrasted with 1 submachine gun, 57 times as much machine-gun ammunition, 3 times as many shotguns, 36 times as many rifles in private as in the sheriff's hands in Mahoning County alone!

The committee was unable to make this comparison as fully in other areas. Yet it feels that the list of the 20 largest private gas purchasers given above is indicative. Certain employers possess vastly greater stores of arms and munitions than are required or needed by public authorities in the same or correspondingly large areas for legitimate police work. Gas purchasers are often firearms and machine-gun purchasers. The question presented by this contrast may be bluntly stated: Do such industrial concerns need such quantities of arms for the protection of property, and if, as seems obvious, they do not, for what purposes do they purchase them?

<sup>#</sup> Pt. 29, exhibit 4747; as of 1938, see testimony of Sheriff Elser.

\*\* From the registrations of machine guns under the National Firearms Act on file in the Bureau of Internal Revenue, Washington, D. C.

\*\*See p. 45 and pp. 219-220. Revolvers have been left out of this comparison, since the sheriff's inventory (exhibit 4747) does not include them. Of these The Youngstown Sheet and Tube Co. had 463, with 19,487 rounds of ammunition.

# CHAPTER IV. PURPOSE OF INDUSTRIAL MUNITIONS

It is now necessary to examine into the purposes for which private employers lay up stores of arms, and particularly of gas and machine guns, which are so peculiarly adapted for police or military operations against large bodies of people. It is apparent that the purposes for which such arms are purchased differ radically from the reasons for which individuals buy hunting equipment, for example, or revolvers, for their personal use. Purchase of firearms by individuals does not fall in the same category as the purchase of large supplies of arms by corporations, and the equipping of bodies of men, such as the plant police, with them. It is obvious, of course, that large industrial properties require watchmen, and in some instances armed guards. Tear gas, machine guns, or large quantities of firearms are not, however, ordinarily required to protect properties from marauders, trespassers, or thieves. That they have other purposes is evident from the character of these weapons themselves.

Such weapons should be used by public authorities only in erious situations approximating conditions of riot. This chapter of the report is concerned with the question of why employers buy such equipment, and in such quantities. Obviously, such powerful weapons are capable of great abuse. The purpose for which they are bought, therefore, cannot be conclusively deduced from their properties as weapons, nor can the justifications of those who buy them be taken at their face value. The committee has sought to ascertain the reasons for the extensive traffic in these weapons by reference to the circumstances surrounding their purchase, the character and conduct of those who sell them, and the contemporaneous expressions and

state of mind of those engaged in the business.

# SECTION 1. RELATION BETWEEN PURCHASES OF MUNITIONS AND LABOR SITUATIONS

It has been pointed out above that the principal private purchasers of tear gas in recent years are those who have been affected by strikes. Even a cursory examination of the sales records of munitions companies indicates that employers purchase gas weapons during or in anticipation of strikes. The committee's investigation of the labor policies of the Republic Steel Corporation and the Youngstown Sheet & Tube Co. proved conclusively that these companies purchased munitions only immediately before or during strikes. The correlation between munitions purchases and labor developments in these corporations included not only tear gas but firearms. This conclusion, however, is subject to one qualification: Tear gas deteriorates and becomes unusable after 3 or 4 years. Supplies of tear gust must, therefore, recurrently be replaced whether they are expended ex-

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not. Firearms are purchased only to increase and not to replenish plant armament. Therefore, the gas purchases of a corporation and, to a lesser degree, ammunition purchases, form the best basis for a

chronological correlation with labor developments.

The committee was unable, in studying the correlation of munitions purchases with labor developments, to investigate in detail the affairs of every significant purchaser of gas and munitions whose name appears in the record. The magnitude of such a task was beyond its resources. It was, however, possible to ascertain, through data available either in the Bureau of Labor Statistics of the Department of Labor or in newspaper files, when the principal private purchasers of gas were affected by strikes or by the threat of strikes. It was also possible from the same sources to secure a rough approximation of the causes of such strikes or threatened strikes. Such data concerning labor relations were tabulated on the list of gas purchases, and appears in appendix A.

As has been pointed out above, the information concerning the gas purchases listed in appendix A was obtained from the sales records of the munitions vendors. Columns 7 and 8 in appendix A set forth the data regarding contemporaneous labor developments in the plants of

the purchasers.

In the cases where the committee has definite information from the Bureau of Labor Statistics, or elsewhere, that a strike occurred in the plant of the purchaser, this is indicated. In many other cases, particularly during the general textile strikes of 1934 and the threats of general steel strikes in 1933 and 1934, definite information as to whether or not a particular purchaser's plant was shut down was lacking. In these cases the entry reads "general strike threat" or "general strike." These notations are not to be construed as implying that a plant actually experienced a strike. Nevertheless, according to official records, strikes threatened the purchaser's whole industry and consequently his plant. Column 8 of appendix A contains such information as could be obtained from the above-mentioned sources regarding the causes of the strikes and strike threats which are listed in the preceeding column. Unless otherwise indicated by footnotes, all data in these two columns of appendix A has been obtained from the Bureau of Labor Statistics. The data on strikes and strike threats is acknowledgedly incomplete because of the impossibility of tracing labor developments in scores of small-town newspapers. Therefore the blank spaces in the columns of material on labor developments do not conclusively indicate that the munitions purchase opposite them had no connection with labor developments. They merely show that nothing pertinent appeared in the above cited sources.

The results of this tabulation, even after these qualifications as to completeness, are startling. Out of \$490,598.93 worth of gas purchased by the 80 largest private purchasers of gas between January 1933 and June 1937, \$401,127.75 worth was bought during strikes or when strikes were threatened in the plants of the respective purchasers. Thus over 80 percent of these purchases were made during or in anticipation of labor trouble. Even more striking is the conclusion that can be drawn from the tabulation of the causes of the disputes before or during which the gas was purchased. The demand for union

recognition recurs constantly in the eighth column of appendix A, either alone or in conjunction with other issues, such as wages and hours. In all, \$364,507.14 worth of gas was purchased before or during strikes or strike threats in which union recognition was the exclusive or contributing factor. In other words, the largest purchasers of tear gas have bought more gas when confronted by demands for

recognition than under any other circumstances.

Viewing the gas-munitions business as a whole, the steel industry has furnished it the largest individual purchasers and the largest single market. Of the \$490,598.93 worth of gas equipment purchased by the 80 largest buyers of these types of industrial munitions during the period January 1933 to June 1937, almost exactly one-half, \$244,-861.79, was accounted for by 15 steel corporations and their subsidiaries. When the purchases of these 15 steel companies and their subsidiaries are examined and the purchase dates compared with the developments in their contemporary labor situations, enumerated in column 7 of appendix A, it becomes clear that steel companies buy munitions, with few exceptions, only during strikes or when strikes threaten. Out of \$226,305.24 worth of gas munitions purchased by these 15 steel corporations for their steel manufacturing or fabricating subsidiaries or works, exclusive of their mining or other subsidiaries, a total of \$221,332.20, or 97 percent, was purchased during strikes or strike threats. Only \$4,973.04 worth of gas munitions was purchased during periods of industrial peace. Even more significant is the fact that the United States Steel Corporation and its subsidiaries, among the largest purchasers during 1933 to 1937, made not a single purchase of gas during the period covered by the table after March 1937, when it granted union recognition.

The large purchases of gas munitions by the steel companies comeduring four periods—periods when general strikes threatened the

industry.

During September and October 1933 there was a threat that the bitter strikes for union recognition in Weirton, W. Va., and Ambridge, Pa., would spread to the other plants in the Ohio and Pennsylvania districts. This general strike threat, however, did not materialize. Nevertheless, 12 of the previously mentioned 15 steel companies purchased \$37,594.06 worth of gas equipment during September and October 1933. The purchases for the companies which actually experienced strikes during the end of September and early part of October were: Weirton Steel Co., National Steel Corporation subsidiary, of Weirton, W. Va., \$4,862.75; Central Tube Cc., Ambridge, Pa., \$3,386.80; Spang Chalfante & Co., Inc., of Ambridge, Pa., \$5,281.35; Wykoff Drawn Steel Co., Ambridge, Pa., \$1,364. During this period when the strike threatened to spread to other mills, other companies laid in stocks of gas munitions. The United States Steel Corporation subsidiaries, Carnegie Steel Co., Lorain Steel Co., National Tube Co., American Sheet & Tin Plate Co., and American Bridge Co., purchased a total of \$11,407.95 worth of gas for their works in the Pittsburgh, Ambridge, and Johnstown, Pa., districts. The American Rolling Mill Co. purchased \$2,817.16 worth of gas for

Allegheny Steel Co., American Rolling Mill Co., Bethlehem Steel Corporation, A. M. Byers Co., Central Tube Co., Interlake Iron Corporation, Jones & Laughlin Steel Corporation, LaSalle Steel Co., National Steel Corporation, Pittsburgh Steel Co., Republic Steel Corporation, Spang Chalfants & Co., Inc., United States Steel Corporation, Wykoff Drawn Steel Co., the Youngstown Sheet & Tube Co.

its works in Kentucky, Ohio, and Pennsylvania. The Bethlehem Steel Corporation purchased \$2,296.50 for its Johnstown and Pittsburgh works. The Youngstown Sheet & Tube Co., Youngstown, Ohio, laid in over \$1,300 worth of gas and the A. M. Byers Co., of Pittsburgh, Pa., \$1,030. The Jones & Laughlin Steel Corporation purchased some \$800 worth of gas for its Aliquippa, Pa., works, while Republic Steel Corporation stocked \$1,965.45 at Youngstown, Ohio.

Additional purchases during the strike threat were made by several steel companies listed in appendix B among the purchasers of \$300— \$1,000 worth of gas apiece. Four of these companies purchased \$1,059.45 worth of gas equipment.2 Adding this amount to the gas stocked by the larger buyers during this same period gives the figure of \$38,653.51 worth of gas bought by 16 employers while this strike

threatened.

An indication of the other types of arms which were purchased by these steel companies during this strike and strike threat is given by additional data in this committee's record. The Central Tube Co., according to the records of Federal Laboratories, Inc., purchased four .45 caliber Thompson submachine guns, together with extra ammunition drums and 3,000 rounds of .45-caliber ammunition for the office of the sheriff of Beaver County, Pa.3 Beaver County includes Ambridge where the Central Tube Co.'s struck plant was located. The Weirton Steel Co., in addition to its gas equipment, purchased eighteen .38 caliber Smith & Wesson military and police revolvers.4 The Republic Steel Corporation purchased 60 .38 caliber Smith & Wesson military and police and 6 Smith & Wesson K22 target revolvers during September and October 1933.4 5 The Carnegie Steel Co. also purchased 30 Smith & Wesson .38 caliber revolvers, according to a letter from Federal Laboratories, Inc., to Smith & Wesson, Inc.

After the unsuccessful strikes for union recognition in the steel industry in the fall of 1933, the industry was quiet until the spring of 1934 when the Amalgamated Association of Iron, Steel & Tin Workers of North America threatened a general steel strike for union recogni-At its convention, beginning April 17, 1934, this organization resolved to seek recognition from the steel industry and announced that a general "holiday" would be called the middle of June to enforce its demand.7 Between this announcement, about the first of May 1934, and June 16, 1934, the day set for the walk-out, there was a general stocking up of munitions by the steel corporations. size and dates of the steel industry's gas purchases during May and June 1934 indicate how it prepared to meet this strike, which was averted at the last moment by the passage by Congress of Public Resolution 44 \* and the establishment of the National Steel Labor

¹ These companies are: Latrobe Electric Steel Co., Latrobe, Pa.; H. H. Robertson Co., Ambridge, Pa.; William B. Scalfe Sons Co., Oakmont, Pa.; and Sharon Steel Hoop Co., Sharon, Pa.
² Pt. 15-D, exhibit 3656, p. 7057, Federal Laboratories, Inc., invoice No. 18233 for \$1,165.50, dated October 11, 1933. See also pp. 138-139.
⁴ Pt. 15-D, exhibit 3639, p. 7046, a certified list of sales of revolvers to steel corporations, by Smith & Wesson, Inc., dated January 26, 1937. Exhibit 3636, pt. 15-D, p. 7044, a letter from Federal Laboratories, Inc., to Smith & Wesson, Inc., dated November 6, 1933, indicates that delivery was made on October 4 and 5, 1933.
¹ See also pt. 27, exhibit 4642, p. 11443, a list of purchases of arms, munitions, and gas equipment by Republic Steel Corporation, January 1, 1933, to January 22, 1938.
௭ Pt. 15-D, exhibit 3636, p. 7044, dated November 6, 1933.
¹ Pt. 23, exhibit 4305, p. 9762, a letter from M. F. Tighe, president of the Amalgamated Association of Iron, Steel & Tin Workers of North America, to Walter S. Tower, secretary of the American Iron & Steel Institute, dated May 8, 1934.
² Approved June 19, 1934, empowering the President to set up labor boards with certain defined powers.

Relations Board. Nine of the fifteen companies which we have been discussing purchased \$58,996.11 worth of gas munitions during May and June. The United States Steel Corporation was the largest of these purchasers; it bought \$26,613.19 worth of gas equipment for several subsidiaries. The largest of these individual subsidiary purchasers were: Illinois Steel Co., Chicago, Ill., \$13,198.18; Carnegie Steel Co., for Pittsburgh, Pa., and other works, \$8,044.02; American Sheet & Tin Plate Co., \$5,145.40. Also during May and June 1934, Republic Steel Corporation, of Youngstown, Ohio, purchased \$9,273.43 worth of gas equipment, and the Youngstown Sheet & Tube Co. stocked \$8,505.69 worth. Jones & Laughlin Steel Corporation, of Aliquippa, Pa., bought \$3,252.77 worth of gas munitions during the end of May 1934, and the Weirton Steel Co., of Weirton, W. Va., purchased \$5,665.87 worth during May and June. Additional purchases were the Interlake Iron Corporation, with \$1,974.61, and Pittsburgh Steel Co., with \$1,542.30. Significant of the steel industry's determination to defeat the expected 1934 strike is the fact that the Weirton Steel Co. purchased more gas in anticipation of that strike, which did not materialize, than it did during its bitter and hard-fought strike in September and October 1933.

Several of the smaller purchasers of gas equipment stocked up during the few weeks immediately prior to June 16, 1934, reflecting the general preparedness throughout the industry. Five of these companies bought gas weapons in the amount of \$2,592.10, bringing the

total for 14 companies to \$61,588.21.10

Additional arms purchases of the Youngstown Sheet & Tube Co. and Republic Steel Corporation during June 1934 appear in the committee's record. The Youngstown Sheet & Tube Co., bought, in addition to \$8,500 worth of gas equipment, 424 police clubs, six 12-gage repeating shotguns, 11,500 rounds of .38 caliber pistol ammunition and 300 shotgun shells.<sup>11</sup> This company's total expenditures during June 1934 for munitions amounted to \$10,067.78.<sup>15</sup>

The Republic Steel Corporation's June 1934 arms purchases included, in addition to its gas, 149 revolvers, 10,000 rounds of .38 caliber revolver ammunition, 1,000 rounds of .45 caliber submachine gun ammunition, 1,000 shotgun shells, 450 rifle cartridges and 100 riot sticks, coming to a total of \$11,900.71.18 The Weirton Steel Co. purchased 71 additional .38 caliber Smith & Wesson revolvers during this strike threat.14

During the year 1935 the steel industry as a whole purchased relatively little gas equipment. Most of the gas purchased during 1935 was bought in connection with strikes or strike threats by the so-called "rank and file" lodges of the Amalgamated Association. All during the spring of the year there was talk of renewed organizing activities and demands for recognition. Several times this feeling resulted in strikes. Best known of these 1935 steel strikes was the bloody affair

Another subsidiary, the Tennessee Coal, Iron & Railroad Co., of Birmingham, Ala., purchased \$1,650.80 worth of gas during April and May 1934, not as a result of the general steel strike threat, but during its doa's and ore mine strikes.

<sup>10</sup> Empire Steel Co., Mansfield, Ohio; Inland Steel Co., Indiana Harbor, Ind.; Latrobe Electric Steel Co., Latrobe, Pa.; Sharon Steel Hoop Co., Sharon, Pa.; and Timken Roller Bearing Co., Canton, Ohio.

11 Pt. 27, exhibit 4568, p. 11380.

<sup>12</sup> Pt. 23, exhibit 4306, p. 9898, list of munitions purchased by the Republic Steel Corporation in June 1984.

14 Pt. 15-D, exhibit 3639, p. 7046, a list of sales of revolvers by Smith & Wesson, Inc., to steel corporations.

in Canton, Ohio, at the Berger Manufacturing Co. and other subsidiaries of the Republic Steel Corporation during the last week of May. For this strike Republic Steel Corporation purchased approximately \$9,000 worth of gas equipment. Republic also purchased \$1,199.87 worth of gas for its subsidiary, Steel & Tubes, Inc., when that company had a strike in May. Lesser amounts of gas were purchased for other Republic subsidiaries during strikes or strike threats. The Newton Steel Co., of Monroe, Mich., shortly to become another Republic subsidiary, purchased \$2,218.40 worth of gas during its strike in April. The United States Steel Corporation's subsidiary, National Tube Co., purchased over \$6,100 worth of gas between May 13 and June 4, during the period of the Berger strike and a threatened strike in other United States Steel plants in the Pittsburgh district. In all, 5 of the 15 steel companies purchased \$20,052.12 worth of gas materials during strikes or strike threats in 1935.

For the big steel companies the year 1936 included few purchases of munitions. The organizing campaign of the Steel Workers Organizing Committee began about the first of July 1936, and continued throughout the year. During this drive the only purchases of gas munitions made by any of the 15 large gas purchasers in the steel industry were by the Alleghany Steel Co., Bethlehem Steel Corporation, and Inter-

lake Iron Corporation, which totaled \$2,277.05.

The "Little Steel" strike of 1937 provided the largest demand for gas munitions ever created in the United States. In preparation for and during this strike the Republic Steel Corporation purchased \$53,804.97 worth of tear- and sickening-gas and gas equipment; the Bethlehem Steel Corporation purchased \$32,735.64, worth, and The Youngstown Sheet & Tube Co., \$16,513.50. The total for these three companies during the months of May and June 1937 is \$103,-054.11. Additional purchases of other types of arms were made by Republic Steel Corporation and Inland Steel Co., during this strike. Republic purchased 240 assorted baseball bats and hickor and oak clubs at its Monroe, Mich., works. Inland Steel Co. of Indiana Harbor, Ind., purchased \$518 worth of rifles from the American Munitions Co., of Chicago, Ill., on May 26, 1937, the first day of the strike.

Here again the cause of this strike was union recognition and a demand than an agreement reached between employer and employees be reduced to a signed contract. Examination of the purchase dates of "Little Steel's" munitions in 1937 reveals that, as was the case during the strike threats of 1933 and 1934, more munitions were purchased before the strike than after it had actually begun. Of the \$70,318.47 worth of gas equipment purchased by Republic Steel Corporation and the Youngstown Sheet & Tube Co., in connection with the 1937 strike, \$48,836.58 was purchased prior to the outbreak of the strike. The good faith of these employers in their collective-bargaining negotiations with the representatives of their employees during the month of May 1937 should be judged in the light of the

<sup>18</sup> For discussion of the activities of Republic Steel Corporation police department during this strike see S. Rept. No. 6, pt. 2, 78th Cong., 1st sees., on Private Police Systems. See also ch. V. p. 107 ff. 18 Pt. 27, exhibit 4642, pp. 11448, a list of purchases of arms and munitions by Republic Steel Corporation from January 1935 intil January 1938. Testimony developed that, in all probability some 370 clubs were purchased in Monroe and supplied to city police. See p. 150.

17 Pt. 15-D, exhibit 3785-A, p. 7345, a list of sales by the American Munitions Co.

storing up of these thousands of dollars worth of gas munitions for use in the strike which was expected to follow the break-down or suspen-

sion of negotiations.

The total expenditures for all types of munitions of the four companies and the State, county, and municipal authorities affected by the 1937 "Little Steel" strike, so far as they are revealed by documents in the committee's record, amounted to \$178,138.65." This tremendous expense to private organizations and public treasuries was the result of the policy of hostility to unions adopted by these steel It is in marked contrast to the complete absence of any companies. record of purchases at that time by those companies in the same industry, including such large former purchasers of munitions as the Carnegie-Illinois Steel Co. and other United States Steel Corporation subsidiaries, which had signed collective bargaining agreements with the same union which "Little Steel" fought so bitterly.

Extending the comparison between the dates of munitions purchases and strikes to the textile companies which appear in the list of purchasers of over \$1,000 worth of gas equipment, we find another close correlation, as in the steel industry. Of the 80 largest purchasers of gas equipment listed in appendix A, 12 are in the textile business," and one is an employers' association in a textile community." addition, two textile manufacturing subsidiaries of rubber companies are included.21 These 15 purchasers bought in all \$22,006.55 worth of gas equipment during the period covered by the list. The bulk of this gas equipment was purchased during the general textile strikes of These strikes started, according to the records of the Bureau of Labor Statistics of the United States Department of Labor, in the Alabama textile mills in July and October 1934. The general textile strike, which involved over 300,000 workers, in 20 or more States, lasted for several weeks beginning September 3, 1934.

During this period, July through October 1934, 14 of the above-mentioned 15 textile purchasers bought \$20,611.55 worth of gas munitions.<sup>22</sup> In appendix B, the list of purchasers of \$300 to \$1,000 worth of gas, the textile industry has the largest representation. Twenty textile companies appear in the list, seventeen of which bought \$8,444.46 between July and October 1934. Thus, a total of \$29,056.01 worth of gas weapons was bought by textile companies

during the general strikes.

<sup>18</sup> Exhibit 4672, pt. 28, p. 11611, lists \$140,681.88 worth of munitions purchases by Republic Steel Corporation, the Youngstown Sheet & Tube Co., the Pennsylvania Railroad Co., the Ohio National Guard, the counties of Mahoning, Trumbull, and Stark, in Ohio, the cities of Youngstown, Warren, Canton, and Massillon, Ohio, and the city of Monroe, Mich. The balance of this total is made up of the purchases of the Bethlehem Steel Corporation, the Iriland Steel Co., additional Republic Steel Corporation purchases and the cities of Struthers and Elyria, Ohio, Chicago, Ill., East Chicago, Ind., and Beaver Falls, Pa.

19 Alabama Mills, Inc., Birmingham, Ala; American Glanztoff Corporation, Elizabethton, Tenn.; Bernie Bros. Bag Co., Talladega, Ala.; Bibb Manufacturing Co., Mascon, Ga.; Caumon Mills Co., Kannapolis, N. C., Industrial Rayon Corporation, Cleveland, Ohio; James Lees & Sons Co., Bridgeport, Pa.; Lincoln Mills of Alabama, Huntsville, Ala; National Dyeing & Frinting Co., Philadelphia, Pa.; Tallasese Mill Co., Tallassee, Ala.; Thomaston Cotton Mills, Thomaston, Ga.; West Point Manufacturing Co., West Point, Ga.

20 Committee of Manufacturers of Alamance County, Burlington, N. C.

21 Martha Mills, Thomaston, Ga., subsidiary of the B. F. Goodrich Co., of Akron, Ohio, and Goodyses Clearwater Mills, Cartersville, Ga., subsidiary of Goodyser Tire & Rubber Co., of Akron, Ohio, Except for the American Glanztoff Corporation, which bought \$1,015 worth of gas during December 1933 and January 1934, and the National Dyeing & Printing Co., which bought \$280 worth of gas on Octaber 24, 1933, all of the 15 textile purchasers bought their entire stocks of gas munitions during the course of the 1934 strike and strike threat.

Other armaments acquired during the general textile strike by the third largest textile gas purchaser, the West Point Manufacturing Co., of West Point, Ga., appear in the record. This company, in addition to \$1,722.55 worth of gas equipment, purchased four .45 caliber

Thompson submachine guns from Federal Laboratories, Inc. 24

During the longshoremen's and maritime worker's strikes on the West coast in 1934 and 1935 large amounts of gas munitions were purchased by associations of employers in several cities. The Seattle, Wash., Chamber of Commerce, in its own name and that of the "Citizens Strike Committee," purchased \$5,873.03 worth of gas equipment. The Tacoma, Wash., Chamber of Commerce purchased \$1,727.55 worth of gas equipment for itself and the "Emergency Citizens League." Other employers association purchasers were: the Waterfront Employers Union of San Francisco, Calif., \$5,512.16; Marine Service Bureau. San Pedro, Calif., \$1,244.33. The largest single order of gas equipment bought by employers on the Pacific coast was \$13,809.12, probably paid for by the Waterfront Employers Union of San Francisco.<sup>26</sup> These purchases by employers' associations total \$28,166.19, of which \$25,987.70 was spent during the 1934 longshoremen and maritime strikes and \$2,149.42 was spent during the 1935 tanker strike. Only \$29 worth, or one-tenth of 1 percent, of these employers' association purchases was made at a time other than during one of these strikes. Two of these purchasers, the San Francisco Waterfront Employers Union and the Marine Service Bureau of San Pedro, are associations of shipping concerns, and the two chambers of commerce are located in cities which were affected by these strikes. In these strikes, as in the cases of the steel and textile strikes, which also show gas purchases by employers, the primary issue was union recognition.

The automobile and automobile parts industries included five of the largest gas munitions purchasers. They are: General Motors Corporation, \$24,626.78; Chrysler Corporation, \$7,000; Electric Auto-Lite Co., Toledo, Ohio, \$11,351.96; Bendix Products Corporation, South Bend, Ind., \$4,866.47, and Thompson Products, Inc., Detroit, Mich., \$6,867.69, making a total of \$54,712.90. Approximately \$21,000 of the General Motors Corporation's \$24,000 total was also spent during the waves of strike for union recognition during the spring of 1935 and early in 1937. All but \$12 out of the total of \$11,000 spent by the Electric Auto-Lite Co. for gas munitions was expended between April and July 1934, the period of a bitter strike over union recognition and a wage increase. The purchase dates of the nearly \$7,000 worth of gas equipment bought by Thompson Products, Inc., coincided approximately with that company's 1935 and 1937 strikes. Out of a total of \$4,866.47 of gas munitions purchased by the Bendix Products Corporation, of South Bend, Ind., \$4,481 was spent during the period between May 20, 1936, and June 29, 1936, preceding strikes in its plants on

July 2 and September 24.

The coincidence between the purchase of munitions and the dates of strikes or strike threats continues with monotonous regularity down

<sup>&</sup>lt;sup>34</sup> All these arms were purchased during the general textile strike which did not, however, spread to the West Point mills. Three additional machine guns were borrowed from the Debardaleben Coal Co., of Birmingham, Ala. For discussion of the purchase and use of these munitions see pp. 95, 102, and 182.

<sup>26</sup> For a detailed discussion of this purchase see ch. VI, pp. 141-144.

the list of large gas munitions purchasers. Five rubber companies are among the purchasers of \$1,000 worth of gas equipment apiece. The total gas munitions purchases of these companies, exclusive of purchases for their textile manufacturing subsidiaries, are as follows: The Goodyear Tire & Rubber Co., of Akron, Ohio, \$15,374.18; the B. F. Goodrich Co., Akron, Ohio, \$7,740.60; the Firestone Tire & Rubber Co., of Akron, Ohio, \$4,191.33; the Ohio Rubber Co., Willoughby, Ohio, \$3,792.40; the General Tire & Rubber Co., Akron, Ohio, \$2,615.55. Out of this total of \$32,499.36, \$29,755.32 was spent for gas equipment during strikes or strike threats in the rubber industry. Purchases were heaviest during March 1936 at the time of the

strike at the Goodyear Tire & Rubber Co.

The identity of one of the largest purchasers of gas equipment remains a mystery. This is an organization which appears on the invoice books of two of the munitions companies as "E. J. Hunt & Co.," purchasing a total of \$12,078.88 worth of gas in Detroit, Mich., and Chicago, Ill.; \$11,918.71 of this total was purchased between February 18 and April 24, 1937. Over \$11,000 worth of this equipment was addressed to Chicago. The committee was unable to ascertain what business "E. J. Hunt & Co." was engaged in or whether it was acting as an intermediary for some other purchaser. It should be recalled that there were numerous strikes, threats of strikes, and union organizing campaigns in progress during this period, including strikes in some automobile parts plants in Detroit, the United Automobile Workers' organizing drive in plants of the Ford Motor Co., the sit-down strike in the Fansteel Metallurgical Corporation plant, Waukegan, Ill., and the Steel Workers Organizing Committee unionization campaign which culminated shortly thereafter in the "Little Steel" strike.

Other large purchasers of gas equipment whose buying occurred during strikes and strike threats may be briefly mentioned. The Anaconda Copper Mining Co., of Butte, Mont., purchased \$4,161.48 worth, out of its \$4,470.48 total spent for gas munitions in May and June 1934, during a strike of its employees, for union recognition and wage and hours demands. The Columbian Enamelling & Stamping Co., of Terre Haute, Ind., purchased all of its \$5,482.02 worth of gas munitions during a union-recognition strike in July 1935. During a strike in November 1935 the Ohio Insulator Co., of Barberton, Ohio, purchased all but \$319.20 of its \$10,077.88 expenditure for gas The remainder had been stocked several months previously. Here again the issue of union recognition was one of the causes of the strike. The Gulf Coast longshoremen's strike in the fall of 1935 witnessed large purchases of gas equipment by oil companies. The Gulf Refining Co., of Port Arthur, Tex., purchased \$1,181.47 worth of gas equipment on November 15, 1935, and the Texas Co. purchased \$1,636.50 worth on October 26 and 28, 1935. This strike was over the issues of union organization and wages. The Pennsylvania Railroad Co., whose assistance to steel companies involved in strikes was fully described in the committee's "Little Steel" hearings, 26 pur-

<sup>26</sup> See pt. 19, passim, testimony concerning Charles Adams, Pennsylvania Railroad official who arranged for payment by Bethlehem Steel Corporation for gas and gas equipment it purchased for the mayor of Johnstown, Pa., and also donated over \$1,000 worth of gas to the mayor of Johnstown from the Pennsylvania Railroad's stock. See also pts. 32 and 33 for testimony regarding the activities of Pennsylvania Railroad policemen in Canton and Massillon, Ohio, during the "Little Steel" strike. The Johnstown, Pa., incident is described in detail in ch. VI, on pp. 132-136.

chased \$1,313.55 worth of gas equipment on June 6, 1934, during the general steel strike threat and bought an additional \$4,808.55 worth

during the "Little Steel" strike, in May and June of 1937.

Figures for the business of the munitions vendors show what is already apparent from the foregoing discussion, that sales are heaviest during strikes and strike threats. A list of the total domestic sales of Federal Laboratories, Inc., the firm which sells most of the gas equipment used in the United States, indicates that during the years 1934, 1935, and 1936 domestic sales exceeded \$100,000 in only 2 months, June and September 1934.28 The committee did not have access to its sales ledgers for the year 1933. Inasmuch as the total business of the company, domestic and export, amounted to only \$520,000 during 1933, it is extremely unlikely that domestic sales equaled \$100,000 in any 1 month during that year.20 Although the committee did not examine all of the books of Federal Laboratories for the year 1937, it secured invoices covering sales during June 1937, which totaled nearly \$100,000. The next largest months' sales for Federal Laboratories were in May and July 1934.30 Thus we see that the only 3 months in a 41/2-year period during which sales exceeded \$100,000 were June 1934, which witnessed the threatened general steel strike and the West coast longshore and maritime strike; September 1934, which witnessed the general textile strike throughout the Eastern and Southern States; and June 1937, with the "Little Steel" strike. The next highest months, May and July 1934, included the Electric Auto-Lite Co. strike, in Toledo, Ohio, and additional sales during the West coast water-front strike.

The tabulation of data concerning the purchase and possession of machine guns by industrial companies referred to above,<sup>31</sup> contains several instances of the purchase of machine guns during strikes. The Andrews Steel Co., Newport, Ky., purchased seven .45 caliber Thompson submachine guns on July 1, 1921. These guns were purchased on the first day of a strike at the plants of the company.32

One of the most extensive bituminous coal strikes the country has ever experienced lasted from April 1 to September 1, 1922, and affected 455,000 workers in 21 States.35 The nonunion fields of Alabama and Virginia were the only coal districts not affected by this strike. During this period purchases of Thompson submachine guns by coal companies were quite extensive. The Monroe Warrior Coal Co., of Birmingham, Ala., bought 4. The Sunlight Mining Co., of Chicago, Ill., with mines in Illinois, Kentucky, and Indiana, bought 2. Five were purchased by the Tennessee Consolidated Coal Co., Tracy City, Tenn., and 2 by the Elkins Provision & Storage Co., apparently a hardware and supply store, in Elkins, W. Va. Single guns during this period were sold to the Bethlehem Mining Co., Barrackville, W. Va., and G. H. Ruby, a mine owner and banker of Daviess County, Ky.

<sup>77</sup> See ch. I, p. 15.

\*\*\* Pt. 15-D, exhibit 3573, p. 6992; a table of the total domestic sales of Federal Laboratories, Inc., by months, 1934-36, compiled from sales ledgers of the company.

\*\*\* Pt. 7, p. 2408, testimony of John W. Young, president, Federal Laboratories, Inc.

\*\*\* Pt. 15-D, exhibit 3573, p. 6992.

\*\*\* Pt. 7, exhibit 312-A and 812-B, pp. 2609-2627.

\*\*\* Ibid., p. 2616. Information in affidavit submitted by the Andrews Steel Co. to the Bureau of Internal Revenue when registering the guns under the National Firearms Act.

\*\*\*\* National Labor Relations Board, Division of Economic Research, Bulletin No. 2, The Effect of Labor Relations in the Bituminous Coal Industry Upon Interstate Commerce, pp. 19-24, 60.

Six weeks before the strike started, February 16, 1922, 1 submachine gun was sold to the Dawson Coal Co., of Clarksburg, W. Va. 44

The 16 months' strike 35 from April 1, 1927, to July 18, 1928, which resulted in the defeat of the United Mine Workers of America in the bituminous coal fields of the Eastern, Central, and Southern States, witnessed purchases of machine guns by several coal companies.

The Franklin Coal Mining Co., of Powhatan, Ala., purchased two Thompson submachine guns on March 9, 1927.36 The Tennessee Coal, Iron & Railroad Co., of Birmingham, Ala., purchased two Thompson submachine guns during 1927.<sup>27</sup> The New Union Coal Co., of Paris, Ark., purchased one .45 caliber Thompson submachine gun during 1927. This company stated in an affidavit accompanying the form registering this gun with the Bureau of Internal Revenue, "we purchased the gun during the strike to help us take care of our property." 38 The Gopher States Mine Co., of Duluth, Minn., purchased seven .45 caliber Thompson submachine guns on the following dates: four on May 20, 1927, one on June 8, 1927 and two on August 22, 1928. Another purchase of two Thompson submachine guns was made by Cambria Collieries, of Toledo, Ohio, sometime between July 18, 1927, and the end of the year.40

As has been pointed out above, sales of machine guns to coal companies have now ceased, and the coal companies, possibly because they have accepted collective bargaining, are not among the largest

purchasers of gas munitions.

#### SECTION 2. PURPOSE AS REVEALED BY EMPLOYERS

#### A. REASONS GIVEN BY EMPLOYERS FOR USE OF MUNITIONS

The committee called officials of several of the companies prominent in the purchase of munitions to testify concerning their reasons for buying gas and equipment and other arms in such large quantities. Some employers offered pay-roll protection as a reason.41 It is, of course, obvious that companies which maintain large amounts of money for pay-roll purposes are entitled to arm the guards detailed to protecting such funds. The clearest indication, however, that large amounts of gas equipment are not customarily used for these purposes is given in the gas purchases of Brink's, Inc., one of the largest armored car and pay-roll transportation companies in the country doing business in many cities. This company purchased \$879.75 worth of gas during the period 1933-36.42 This total includes 13 separate purchases for branches in 10 cities. This amount for payroll protection contrasts startlingly with the huge purchases by employers cited in the previous chapter.

<sup>4</sup> Pt. 7, exhibit 812-B. \*\* National Labor Relations Board, Division of Economic Research, Bulletin No. 2, pp. 28-38 Pt. 7, exhibit 812-B, p. 2611.

<sup>\*\*</sup>Ibid., p. 2612.
\*\*Ibid., p. 2618.
\*\*Ibid., p. 2621.
\*\*Ibid., p. 2618.
\*\*Ibid., p. 2612.
\*\*Ibid., p. 2618.
\*\*Ibid., p. 2621.
\*\*Ibid., p.

Usually, however, the justification given by employers was that such arms, and particularly gas, were necessary for the protection of

property during strikes.

The Ohio Rubber Co., of Willoughby, Ohio, purchased tear gas and gas equipment, mostly of the blast or spray type, during a strike for recognition in its plant in September 1933. Franklin G. Smith, president of the company, testified that the equipment was bought "simply for the protection of our property." 43

Frank Purnell, president of the Youngstown Sheet & Tube Co., of Youngstown, Ohio, was asked for comment upon the arsenal of firearms and gas maintained by that company. He took the position that such equipment was for the sole purpose of property protection:

Senator LA FOLLETTE. Then, as I understand you, this preparation was in anticipation of a strike and fear of damage to property of the company; is that correct?

Mr. Purnell. Yes, sir.44

Charles M. White, vice president in charge of operations of Republic Steel Corporation, was questioned concerning the corporation's purpose in buying \$11,900.71 worth of munitions, including gas equipment and revolvers, in June 1934, when a strike was threatened. He replied:

Our general experience has been that during these strikes it is well to have your plants sufficiently armed and in proper shape to repel an invasion.45

Such equipment was, however, not so much fitted to repel invasion of the corporation's property as to enable the corporation's police to invade the communities in which the property was located. that the corporation made of this gas will be discussed in detail below.46 Suffice to say at this point that the freest use of gas by agents of the Republic Steel Corporation was used in Canton, Ohio, during Berger Manufacturing Co.'s strike in 1935, when Republic's guards drove around the city shooting gas at pickets and bystanders often many blocks from the nearest plant.

Apparent in the testimony of some company officials is the fact that gas and arms are bought for use off company property. "Property protection" is an elastic term which seems to include policing of the conduct of pickets outside the plant. An example is provided by the testimony of Alfred Marshall, director of personnel relations of the Chevrolet division of the General Motors Corporation. Mr. Marshall testified that subsequent to 1934 all arms and munitions purchased by the Chrevolet division were "either bought by me or at least with my knowledge." 47 Subsequent to November 1936, he testified, he had ordered some four to five thousand dollars' worth of gas from Federal Laboratories, Inc., some of which was kept in Detroit, and some sent to Saginaw, Mich. 48 He stated that he did not know what kind of gas this was.

Senator Thomas. You must remember what kind, Mr. Marshall, because you would purchase gas for different purposes, would not you?

<sup>#</sup>Pt. 21, p. 9168.

#Pt. 27, p. 11169.

#Pt. 23, p. 9760.

#See p. 107ff. See also S. Rept. No. 6, pt. 2, Private Police Systems, pp. 126-144; and 219-232.

#Pt. 6, p. 2011.

#Ibid., pp. 2017-2019. The actual amount of this purchase, according to Federal Laboratories data was \$6,238.80 and the date was February 1, 1937. See appendix A.

Mr. Marshall. I do not know much about gas, Senator. I know you use gas. I do not know much about gas. As I said before, I am no gas expert. Senator Тномая. There are different kinds of gases aren't there? Mr. Marshall. Maybe. There may be a dozen different kinds.

Senator Thomas. Some very dangerous and some not so dangerous?

Mr. MARSHALL. I do not know, Senator. I would not be qualified at all as a gas man in any particular.

Senator Thomas. You would not promiseuously use it, would you? Mr. Marshall. I do not use it, Senator. I do not even know how.

Senator Thomas. Did you have some purpose in buying it?

Mr. Marshall. Certainly. Senator Thomas. For what purpose? Mr. Marshall. Protection of the property, Senator Thomas. Protection of the property? Mr. Marshall. That is right.

Senator Thomas. Then what kind of gas have you used? Mr. Marshall. Whatever gas is used for that purpose.

Senator Thomas. You do not mean that, of course. Mr. Marshall. I do mean it, Senator. Why not?

Senator Thomas. Well, you might use a 16-inch gun for the protection of a house.49

In the ensuing colloquy, Senator Thomas sought to extract from the witness some admission of the fact that there should be a relation between the protective purpose of the weapon and the character of the weapon itself. Refusing to acknowledge that the gas might be better adapted for other purposes than the protection of property from destruction, the witness insisted that he was ignorant of the technical properties of gas:

Mr. Marshall. \* \* \* I am not an expert on fighting, or gas or anything like that.

Senator Thomas. Whose words did you take for the making of purchases then? Mr. Marshall. Well, we were guided more or less by the man whom we purchased the gas from.

Senator THOMAS. A salesman?

Mr. Marshall. Certainly.

Senator Thomas. You just took the advice of the salesman? Mr. Marshall. Well, he represents a very reliable company. Senator Thomas. Does he represent a very reliable company? Mr. Marshall. I think so.

Senator Thomas. Your purchasing agent buys dies on the same sort of arrangement, does he, or tools or things of that kind?

Mr. Marshall. Senator, I am not a manufacturer, I am a labor man more

than anything else.

Senator Thomas. Well, I think that last answer probably satisfies me. you did not get the gas for the protection of property if you are a labor man first of all.

Mr. MARSHALL. You and I might disagree about that. I think so.

Senator Thomas. Isn't there such a thing as peaceful picketing, for example? Mr. Marshall. Well, I never saw very much of it.

Senator Thomas. Every man that has been on the picket line in your experience has been armed, has he?

Mr. Marshall. No, no. I did not mean to infer any such thing.

Senator Thomas. There could be such a thing as peaceful picketing, could not

Mr. MARSHALL. There certainly could. 494

Senator Thomas' point is obvious. A "labor man" in buying gas is primarily concerned with the use of gas with relation to picketing.

<sup>\*\*</sup> Pt. 6, pp. 2019-2020. \*\* Ibid, pp. 2020-2021.

He is not concerned with the protection of property from injury, but with the maintenance of operations, a far different thing.

#### B. OFFENSIVE NATURE OF WEAPONS PURCHASED BY EMPLOYERS

The nature of the weapons purchased for industrial plants gives an indication of the purposes for which employers have arms. Protection of the property from invasion or trespass can be effected by weapons intended for use at comparatively short range. Weapons having a long range of effectiveness cannot be said to be required for protective purposes. The eight Army type machine guns with 40,000 rounds of machine gun ammunition which The Youngstown Sheet & Tube Co. owned provide an example of the least defensive type of industrial armament. Any engagement involving their use would have immediately extended to include the area within 2 miles of the plant. The submachine gun in private hands is the gangster's weapon, intended not for defense but for sudden attack and wholesale intimidation or slaughter. The sawed-off shotgun is equally barbarous. The rifle is intended for accurate shooting over long distances; its use in industrial disputes almost invariably results in casualties long distances from the company property or plant, uncalled for if the purpose is protection only.

The different types of gas equipment have, as has been noted above, rying ranges. The preference shown by certain employers for those varying ranges. having a longer range, capable of reaching areas removed from the plant, is indicative of their purpose in buying such arms. The inventories of arms furnished by The Youngstown Sheet & Tube Co. and Republic Steel Corporation may serve as example.<sup>50</sup> Republic had 143 long-range guns, as against 58 gas billy clubs and revolvers, which have only a short range. In The Youngstown Sheet & Tube Co.'s arsenal the numerical superiority of 71 gas billy clubs is overshadowed by the potential effectiveness of 24 Manville gas machine guns, which have a range of up to 200 yards.<sup>51</sup> Since the long-range gas gun is capable of shooting both the long-range projectile and the short-range shell, which blasts or sprays the gas directly from the muzzle of the gun, a surer criterion of intent lies in the comparative amounts of long- and short-range shells purchased by these companies. An analysis of the gas purchases of Republic reveals that in the 5 years under examination it purchased 3,652 long-range shells as against 806 of short range.

Two-thirds of Youngstown Sheet & Tube's gas shells were long range. Gas grenades are not so effective in beating back advancing crowds as in breaking up stationary groups or forcing crowds from Their range is limited by the strength of the one area to another. thrower, but their function is not so much protective as policing.

Together, these two companies had 3,396 gas grenades.

Taking a smaller company's purchases the prominence of long-range or aggressive gas weapons is equally striking. For its strike in February 1935, the Ohio Rubber Co., of Willoughby, Ohio, purchased 156 gas grenades of the jumper-repeater type, 102 long-range shells, 102 blast-type shells, and 72 billy club or gas pistol shells, making a total of 258 items capable of aggressive use as against 174 items de-

<sup>44</sup> See p. 45. 41 See p. 45 and p. 219.

signed for defensive use. In addition it purchased a Manville gas

machine gun.53

Other examples show employer preference for the more aggressive types. On May 11, 1935, the Chevrolet Division of General Motors Corporation purchased \$6,874.80 worth of gas, including a total of 288 long-range projectiles and 288 grenades, as against 72 short-range cartridges. 4 The Bethlehem Steel Corporation, during the socalled "Little Steel" strike of 1937, purchased from Federal Laboratories, Inc., 508 short-range gas shells and 756 long-range projectiles; or about half again as many long- as short-range weapons. It also purchased 1,322 gas grenades and 468 gas billy cartridges. In all, its purchases show a total of 2,078 offensive items against 976 defensive items. 55

The comparison could be extended by analyzing other sales invoices in the record. Such a comparison, while a valuable indication of the intent with which gas equipment is bought is not, however, conclusive, because even the short-range weapons may be used for other than protective purposes. The blast or spray type of cartridge, in the hands of squads of company police off the plant premises, is as capable of aggressive use as the long-range weapons. Plant police or strike guards, as pointed out in previous reports, often tend to assume the functions of public police and invade public streets or highways, or the property of others, with their gas weapons.<sup>56</sup>

### C. Secrecy in Purchasing and Handling of Munitions

The fact that industrial purchasers of munitions frequently resort to all manner of subterfuge to conceal their purchase and possession of arms and gas from their own employees is significantly indicative of the purposes for which such munitions are bought. Presumably. where the protection of the plant from marauders or from destruction is the purpose of industrial munitions, their purchase and possession would not arouse resentment among the employees and there would be little or no need for concealment. Indeed, if such protection were the sole purpose, employers would be eager to give as much publicity as possible to their purchase and possession of munitions, since widespread knowledge that property is well protected acts as a deterrent to prospective thieves or marauders or trespassers. The fact is that munitions, and especially gas, are usually purchased by employers for the purpose of intervening in the policing of picket lines and the Through them the employer can and, as the conduct of strikes. record proves, often does invade the realm of public police authority and exercises physical coercion upon his own employees in his economic struggle with them. It is the widespread knowledge that modern industrial munitions are adapted and intended for such purposes that induces employers to purchase and stock them secretly.

The munitions companies, in their business methods, accept this state of affairs and carry on their trade in a manner which approximates the secrecy and evasion that characterizes bootlegging. De-

<sup>Pt. 21, exhibits 4233-4237, pp. 9338-9339.
Pt. 21, pp. 9232-9233, testimony of R. A. Mertz, plant manager.
Pt. 15-D, exhibit 3668, p. 7064.
Pt. 15-D, exhibits 3669-3679, pp. 7065-7072.
For a more detailed discussion of this practice see ch. V, pp. 106-122.</sup> 

liveries are made and invoices are mailed to the homes of officials far from the plants; records are kept in blind or in fragmentary form; payments are made through disreputable intermediaries and in cash: invoices are written up in misleading terms, and sometimes the munitions companies are not even informed of the identity of the actual purchasers. These measures of precaution are not excessive. edge of the presence of large stores of gas, or other munitions, has a pronounced disruptive effect on labor relationships. Employees resent the implied expression of distrust engendered by the state of armed neutrality which prevails when a company stocks up in anticipation of a strike.

The effect upon employees of the knowledge that their employer is arming in anticipation of a strike was tersely stated by Guy L. Sweany, a member of Arin Lodge of the Amalgamated Association of Iron, Steel and Tin Workers in the Alloy plant of the Republic Steel Corporation, in Canton, Ohio, in 1935. According to other testimony before the committee, the Republic Steel Corporation, in anticipation of a strike for recognition on the part of the employees of the Berger Manufacturing Co., a subsidiary in Canton, had armored a truck in the plant and cut steel pipes and bars into lengths for use as clubs. These preparations were effected before the strike was called. When the strike began on May 27, 1935, company police were armed with the clubs, and invaded the areas surrounding the plant with shotguns, gas guns, and other weapons, in a brutal and intimidatory way. 67 Mr. Sweany testified that his lodge, which was not immediately affected by the Berger strike, was drawn into the strike because of the effect of the company's preparations and the activities of the company's guards upon its members.

Mr. Sweany. The lodge that I belonged to took action the following evening after the Berger strike was called and took a strike vote and joined the Berger Lodge in their strike.

Senator LA FOLLETTE. Were you present at the meeting?

Mr. Sweany. Yes, sir.

Senator LA FOLLETTE. What were the reasons for this action?

Mr. Sweany. Because of the massacre the Monday afternoon, and because that the men were agitated because of the armoring of the car unnecessarily in their presence in the Alloy plant. They had seen guards go through there, and the men were agitated there, and the shooting in the morning and the evening agitated them further and they demanded a strike vote and took the vote to go out on strike.

Senator La Follette. You spoke of the armoring of a car as having had some

influence on the men. What was that incident?

Mr. Sweany. Well, they were armoring a car in the Alloy plant where there was no strike or no talk of any labor trouble at all. This organization had requested recognition from the management but we had agreed not to force the issue at the time, and everything seemed to be going along quite all right. They could have dealt with this organization without formal recognition, but when they proceeded to arm cars and cut pipes, preparatory to use in this strike, this aggravated the men and they said, "Well, if it is a strike they want, we will have to do it sooner or later anyhow, they are going to force the issue, and we might as well join with Berger when they go on strike." This was the talk in the plant prior

to Berger going on strike.

Senator LA FOLLETTE. What do you mean by "cutting pipe?" Mr. Sweany. Well, they were cutting pipe in short lengths. Senstor La Follette. For what?

For a full description of this strike see this committee's report, entitled "Private Police Systems," 76th Cong., 1st sess., S. Rept. No. 6, pt. 2, pp. 126-144 and pp. 219-231. See also ch. V .pp. 107-115.

Mr. Swhany, To use as clubs.

Senator La Follette. As a part of the operation of the shop?

Mr. Sweany. Well, it was done in the shop, and when some one inquired what the pipes were for, they were told that they were to be used as weapons by the police force.4

That such a reaction on the part of employees is customary is recognized by the officials of munitions companies. Senator Thomas brought the matter up in his examination of A. S. Ailes, vice president of the Lake Erie Chemical Co. of Cleveland, Ohio:

Senator Thomas. You also sell to people in an unopen way, according to your testimony. One company wants to buy your product but you will bill another man. Is that man always a legitimate business man?

Mr. Ailes. It is very obvious why a company does not want supplies of that nature to come openly in their factory. They have a perfect right to buy in secret. They may never use it, so why stir up something to make the employees think that the company is ready to gas them when the trouble may never occur and the gas may never be used. Therefore, in general they buy the material and do not disclose it on the books to their employees in general.

It is perfectly clear, as Senator Thomas pointed out in his next question, that such secrecy in purchasing is caused by the fact that the gas is not intended for protective use. This fact, however, causes no surprise to the munitions companies, nor does it alter or restrict the sale of their wares.

Senator Thomas. If you have sold the company that has used the gas, then you would not sell them again in this indirect way, because you would know

they were not going to use it for any protective purposes?

Mr. AILES. We would deliver it in whatever way they wanted it. There is nothing secret about that at all as far as we are concerned.

Senator Thomas. That is, you would then have two sets of business morality, would you not?

Mr. Ailes. No.

Senator Thomas. You would not sell them under the first set of circumstances, but you would sell them under the second set of circumstances?

Mr. AILES. We would sell industrial companies secretly all they want. know who is getting it. I did say I would not sell the bootleg coal diggers. 41

The need for secrecy in purchasing munitions was explained almost as frankly by representatives of industrial corporations. The Republic Steel Corporation customarily purchased its munitions on a cash basis with as few records of the transaction as possible.62 Charles M. White, vice president in charge of operations for the Republic Steel Corporation, testifying about Republic's purchase of \$11,900.71 worth of gas and revolvers 63 in anticipation of a strike in June 1934, explained the need for such purchase methods as follows:

In purchasing some of this material, in order not to arouse various comments and get the men thinking, if they stayed in the plant and a strike was called that there was going to be all kinds of trouble, in order not unduly to alarm them, a

W Pt. 24, pp. 10078-10079.

Pt. 24, pp. 10078-10079.

Pt. 24, pp. 10078-10079.

Pt. 24, pp. 10078-10079.

Pt. For another illustration of the widespread resentment aroused among employees by the knowledge that their employers are arming, see preliminary hearings on S. Res. 266, 74th Cong., 2d sess., p. 39, testimony of J. P. Harris of Portsmouth, Ohio, concerning the purchase on August 1935 by the Wheeling Steel Corporation of gas and gas equipment from Federal Laboratories, Inc. According to Mr. Harris' testimony, these munitions were sent to the personnel manager of the corporation; the delivery came to the attention of the stockroom employees; they questioned the personnel manager about it, and he denied that the company had ordered the gas. Federal Laboratories' records establish the fact of the purchase.

Pt. 2, pp. 416.

Pt. 2, pp. 416.

In 1933 the corporation requested secret delivery of 26 revolvers purchased from Smith & Wesson through Federal Laboratories, Inc. Federal Laboratories requested Smith & Wesson to ship to an agent and not to the customer, stating that the corporation had specifically requested that shipment be delivered in this manner (see pt. 15-D, exhibit 3635, p. 7043).

lot of these purchases were made on a cash basis. We have very poor records of how they were made."

Delivery was made in secret by the salesman, payment made in cash and "very poor records" kept so that the employees wouldn't "get thinking" and be "alarmed."

In preparation for the 1937 "Little Steel" strike, Republic ordered a large amount of gas equipment. Federal Laboratories' agent, J. J. Baxter, testified that he had used the same method of delivery which had been specified 4 years previously. Two weeks before the strike began, and in the midst of negotiations between Republic and the Steel Workers Organizing Committee, Baxter delivered over \$33,000 worth of gas equipment to Republic's plants. 45 His testimony reads:

Senator La Follette. Now, will you tell me when the shipments were made and how they were made?

Mr. Baxter. Shipments were made around about—I will say around and in the middle of May, and delivered by truck from Pittsburgh and distributed around to the different plants.

Senator La Follette. Did you accompany the shipments? Mr. Baxter. Yes, sir; I did. Senator La Follette. Did you go by truck? Mr. Baxter. By truck and car also.

Senator La Follette. As you made these deliveries, how were you paid for

the consignments which you left at the various plants?

Mr. BAXTER. Some of the captains of the various plants paid for the shipments, and there were times when a shipment was not paid for right at the present time, but it was paid for within the next week or 10 days.

Senator La Follette. And how were you paid for these invoices?

Mr. BAXTER. By cash.

Senator LA FOLLETTE. Where did you go on this trip after you left Pittsburgh?

Give me the itinerary?

Mr. Baxter. I went-from Pittsburgh to Youngstown and made the delivery at Youngstown at the various plants. From there we made delivery at Warren, Ohio; from Warren, Ohio, we made deliveries to the Cleveland plants, and from the Cleveland plants we made the deliveries in the Massillon plants and Canton plants and back into Youngstown.

Senator La Follette. When you went to these various plants, Mr. Baxter.

how did you actually deliver the goods?

Mr. BAXTER. How did we actually deliver the goods? We delivered it right to the police captain of each plant.

Experience in Canton in 1935 gave an indication of the "alarm" which would have been felt by Republic employees if they had realized that during a period of peaceful, across-the-table negotiation looking toward collective bargaining between union representatives and their employer in 1937, there was being stored up in the police offices of the Republic plants the largest private arsenal of sickening and tear gas ever assembled.67

It is apparent that Republic's principal concern was to prevent shipments of arms from coming into its plant openly by express. Other companies resort to devices of concealment, not only to prevent the open shipment of arms, but to conceal all evidence of the transactions

<sup>44</sup> Pt. 23, p. 9762.
45 Pt. 27, p. 11290 ff.
46 Pt. 27, p. 11290 ff.
46 Pt. 27, p. 11292 f.
47 Personal delivery by the munitions agent to the plant police force is a common practice in the munitions business. On August 24, 1934, a salesman for the Lake Eric Chemical Co. wrote as follows, concerning a purchase of \$170 worth of gas equipment by the Buick Motor Co., in Flint, Mich.: "The Buick wanted this material delivered personally to their plant-protection department, to circumvent the receiving department, so I took it up myself Wednesday" (Pt. 2, p. 411).

from their office force. This was particularly the case with the Weirton Steel Co., of Weirton, W. Va., during its purchase of munitions in 1933 and 1934. The Weirton Steel Co.'s billing instructions are revealed in the correspondence between Federal Laboratories, Inc., and Smith & Wesson, revolver manufacturers. Federal Laboratories wrote to Smith & Wesson on May 24, 1934:

GENTLEMEN: This acknowledges your letter of May 22nd regarding shipment of twelve .38 caliber Military and Police Revolvers to us.

These revolvers are to be shipped ultimately to the Weirton Steel Company. However, on all previous shipments to that company, you permitted us to bill these weapons ourselves. This is absolutely necessary from the point of view of the customer who at the same time, orders gas equipment from us. We have been specifically requested that no invoice specifying revolvers come from us or from any other concern. We assume that you will permit us to bill these revolvers in accordance with our usual practice with the Weirton Steel Corporation.

Federal Laboratories again wrote Smith & Wesson on June 9, 1934:

We will send you confirming requisition for your permanent record today, and ask that the invoice be made out to Weirton Steel, but send it to us rather than direct to Weirton Steel; on account of their desire that their employees be not familiar with what they are doing, they require we use great secrecy in the way bills are handled.

Invoices from the Federal Laboratories, Inc., to the Weirton Steel Co., during the latter's strike in September and October 1933 reveal the usual practice of billing insisted upon. These invoices bear no itemization whatever. They carry the sole notation "for special services rendered" and are addressed personally to company officials. During September and October 1933, invoices for \$5,000 worth of "special services" were addressed by Federal Laboratories, Inc., to F. A. Hanlin, vice president of the Weirton Steel Co. In May and June of 1934, when a general strike was anticipated in the steel industry, invoices for more than \$5,000 of munitions were billed to F. M. Hesse, an official not of the Weirton Steel Co., but of its parent corporation, the National Steel Corporation, at its Pittsburgh office." Weirton's "desire that their employees be not familiar with what they are doing" is quite in line with Republic's feeling on the same subject and springs from a recognition of the effect which the known presence of munitions has upon employment relations.

The correspondence of the munitions agents reveal that other companies have adopted the practices of personal delivery of munitions by a salesman, and personal invoices to officers of the company, thus circumventing both the receiving and accounting departments of the corporations involved. The American Optical Co., of Southbridge, Mass., for example, adopted these devices in purchasing \$874 worth of gas equipment from the Lake Erie Chemical Co. in September Lake Erie's salesman wrote the following memorandum cov-

ering shipping and billing instructions for this order of gas:

Have just wired you an order to be shipped to Worcester, Mass. This material is for the American Optical Company at Southbridge, Mass., but they didn't want it known that they had this equipment so they had it shipped to Duncan & Goodell at Worcester, from whom they will get it and take it to Southbridge.

<sup>4</sup> Pt. 15-D, exhibit 3637, p. 7045.
Pt. 15-D, exhibit 3638, p. 7046.
Pt. 15-D, exhibit 3672, pp. 6990-6991; pt. 15-D, exhibit 3663, p. 7061.

When you send invoice have it read the same as on their purchase order "Equipment as per conversation with your Mr. Foote" and not itemized what the material is. Send the Invoice to Mr. Mosher, V. P. personally."

The Chevrolet Motor Division of the General Motors Corporation adopted the same practice in its purchase of munitions. In January 1936, the Chevrolet Motor Division ordered gas and gas equipment for its Kansas City, Mo., plant. A Detroit agent of Federal Laboratories, Inc., received this order and forwarded the following shipping and billing instructions:

The following should be sent to Mr. E. W. Pughe, 6417 Summett Street, Kansas City, Mo.:

3 GB Masks

12 M-29 Billies 36 M-29 Billy Cartridges

6 Smoke Grenades

The balance of nine (9) gas masks should be shipped to my office in Detroit for

delivery at this point.

Invoice should be sent to Mr. A. Marshall, Personal Director, Chevrolet Motor Gas Company, General Motors Building, Detroit, Michigan, for the total amount

with prices as specified on order also with the notation on invoice that nine (9) gas masks were shipped to Detroit, balance to Kansas City, Mo.

Mr. E. W. Pughe, Kansas City, Mo., is the manager of the Chevrolet Motor Car Company at that point and deem it advisable to ship to his home instead of shipping to their plant, however, you will undoubtedly draw your own conclusions that they intend to purchase through the Detroit office and pay for all merchandise from that point and that the invoices should be sent Personal to Mr. Marshall.72

Similar procedure had been followed by the Chevrolet Motor Division as far back as October 1933, when purchases for its plant at Flint had been invoiced personal to Arnold Lenz, personnel manager, and delivered directly by the salesman.73

A particularly involved method of concealment was employed by the H. C. Frick Coke Co. in 1934. The following shipping instructions were forwarded with an order to Federal Laboratories, Inc., for \$3,391.08 worth of gas munitions on February 10, 1934:

Ship to Mr. John B. Michlea, Wolvin Building, Duluth, Minnesota. Invoiced to H. C. Frick Coke Company, Frick Annex, Pittsburgh, Pennsylvania. Agent: House-Baum.

Boxes to be marked: "Merchandise from H. C. Frick Coke Company." In other words, H. C. Frick Coke Company appears as shipper. This order is confidential. No representative of Federal is to consult with either Frick Company or their purchasing department for further instructions. These are final.75

A rather interesting variation in the wording of an invoice for gas equipment is revealed in a letter from Federal Laboratories' agent, W. P. Dillingham, in Upper Darby, Pa., to the company's treasurer, on the subject of an order for the Hercules Cement Corporation. addition to the wording of the invoice, it appears that the order was kept secret by shipping in care of the local sheriff. Mr. Dillingham wrote:

Subject—Hercules Cement Corp.

I rather questioned the shipment of this order in care of Sheriff Boyer, but it worked out very well, and now the customer is anxious to keep the purchase a

<sup>71</sup> Pt. 15-D, exhibit 3764, p. 7218.
72 Pt. 15-D, exhibit 3592, pp. 7010 f.
73 Pt. 2, exhibit 232, p. 609, a letter from Paul H. Killan, detective agency proprietor and munitions salesman for the Lake Eric Chemical Co., to A. S. Alles, dated October 2, 1933.
74 Subsidiary of United States Steel Corporation.
75 Pt. 7, p. 2444. For another example, see pt. 2, p. 408.

secret in its own organization. Will you, therefore, please send ms a new invoice as follows—"One GB Gas Mask with necessary equipment"

Total Price .\_\_\_ \$236, 50

Customer insists upon this for protection, as they are having labor trouble."

Bookkeeping records of munitions purchases are often separated from regular accounting files and destroyed in order to conceal evidence of the fact that arms or gas have been bought. An example of such destruction was described by Franklin G. Smith, president of the Ohio Rubber Co., of Willoughby, Ohio, which purchased over \$3,000 worth of gas and gas equipment in February 1935. When asked why he could not produce invoices for all the purchases of gas made by his company, he explained as follows:

Everything that had to do with that strike was handled through a petty cash account and kept separate. It was not the kind of information that we wanted to go through our files, and when the strike was all over and everything was cleaned up, those papers were destroyed, which is in accordance with our general filing plan.77

The records contain other examples of secret sales. 8 Secrecy also attaches to sales to law-enforcement agencies in cases where the funds are provided by private corporations,79 or where local law enforcement appears to be under the domination of private interests. This

subject will be treated more fully in chapter VI.

A fear that purchases of munitions will become known has, in some cases, restrained industrial corporations from making such purchases. Even the most devious methods run the risk of exposure, especially in small towns. An example is provided by a strike in the Pelzer Manufacturing Co., Pelzer, S. C., in 1935, where, according to a gas salesman, an impending investigation of strike armament and the difficulty of concealing arms purchases from employees induced the company to refrain from buying.81

Secrecy has reached such lengths that the munitions companies are in some cases unaware of the identity of the purchaser. On March 3, 1937, in Chicago, Federal Laboratories sold \$475 worth of tear gas and sickening gas, grenades, and long- and short-range gas shells to a completely unknown purchaser. This sale was arranged for by Mr. Barker, vice president of Federal Laboratories, who described it in a

letter to Senator La Follette in these terms:

The party telephoning advised that our representative had called on his company sometime ago, fully explaining the various protective products we manufacture. The manner in which he discussed the various products which his company desired to secure, clearly showed that the subject had been discussed with them by our representative. Inasmuch as our representative solicit only legitimate corporations and law enforcement agencies, I was satisfied that the equipment was required for the protection of life and property.

I asked for the name of the corporation and for specific shipping instructions. The reply was to the effect that the corporation would send for the material and pay for same on delivery, but would not disclose the name or location of the cor-

poration for the following reasons.

<sup>76</sup> Pt. 15-D, exhibit 3593, p. 7011.
17 Pt. 21, p. 9228.
18 See especially pt. 2, p. 409, describing the sale of \$3,588.56 worth of tear gas and sickening gas sent to a railroad agent, apparently for the use of the Anaconda Copper Co., of Montana, in May 1934.
19 For example, see pt. 2, exhibit 253, p. 638.
10 See pt. 7, p. 2446; pt. 2, p. 646.
11 Pt. 2, exhibit 230, p. 608, from a letter from E. E. Hearn, Lake Erie Chemical Co. salesman, to the Lake

Erie Chemical Co., dated September 11, 1935.

The conditions confronting the corporation at the time were such that they felt the need of emergency equipment for protection but were unwilling to run the account through the Bookkeeping Department, or have employees find out that a delivery was being accepted. The company hoped to avoid trouble, and felt that should knowledge spread among the employees that they were making preparations to defend the plant, that such information might increase the chance for trouble, when every possible effort was being made to avoid difficulty.

Under the circumstances I agreed to make the delivery in question. A messenger called for the equipment early in the afternoon of the same day, paying for

ger called for the equipment early in the afternoon of the same day, paying for same at the time of delivery. We do not have the name of the corporation or that of the messenger who picked up the material. Serial numbers of the items delivered will be found on the attached sheet.

It is clear that these elaborate and devious devices for concealing the purchase of industrial munitions are common practice. that such precautions are taken to insure secrecy in itself indicates that protection of property is not the sole purpose of industrial munitions. Employees and the public generally in industrial communities realize that such munitions are brought in not only for the purpose of protecting industrial premises but also for use on picket lines and other demon-Whatever the justification may be for such use, public opinion condemns intervention by private forces in a field of policing which should be reserved to impartial public authority. Concealment of the purchase of munitions, whether by private or public interest, betrays a purpose to use such arms in an aggressive or partisan fashion.

#### D. MUNITIONS AS PART OF ANTIUNION POLICY

The use for which munitions are intended bears definite relation to the labor policy of the purchaser. The correlation between munitions purchases and strikes or threats of strikes has been fully pointed out in the discussion of appendix A in section 1 of this chapter. demands for recognition were the predominating cause of the strikes in appendix A is not extraordinary because, during the period under investigation, 1933-37, those companies which refused to recognize and deal with their employees suffered most from strikes. Refusal to recognize and bargain with unions has long been acknowledged as one of the primary causes of industrial disturbance in the United States. It is natural, therefore, that companies who cling to such a labor policy are the most prominent purchasers of industrial munitions. remains to be pointed out is that a labor-relations policy based on the refusal to recognize and deal with unions colors the use of industrial munitions in strikes. An intent to destroy unions is an aggressive Industrial munitions are capable of aggressive use upon pickets, parades, union meetings, and union property. Strikes in which the employer refuses to recognize unions and bargain collectively cannot be settled; they can only be broken. Invariably such strikes generate bitter feelings and tense situations. There is every possibility that arms and munitions purchased by the employer side in such strikes will be used, not for protection but for purposes of aggression, provocation, or intimidation, and that such use will occur off company property in the streets or surrounding territory.

<sup>49</sup> Pt. 15-D, exhibit 3591-A, p. 7009.

An employer's arms, in time of strike, are frequently given into the hands either of the plant or company police force, or of professional strikeguards or strikebreakers. As the committee has demonstrated in its report on private police systems, 55 employers committed to a policy of opposition to unions have, in some cases, made their plantprotection departments into instruments of antiunion labor policy. The committee found that, in such cases, company police have been charged with the function of spying upon or arranging for espionage within labor unions. During labor-organizing campaigns, they have systematically harassed, shadowed, and beaten union organizers. In strikes they have conducted unprovoked and brutal assaults on crowds of strikers and pickets. In short, these so-called police systems have been trained by some antiunion employers, in the business of harassing and destroying organizations of employees. It is significant that the officers of such police systems have charge of the industrial arsenals of their employers. James L. Williams, superintendent of the police department of the Republic Steel Corporation arranged for that company's purchase of supplies of gas and their distribution.84 Williams and his subordinates also placed spies in the unions of Republic employees and received their reports. James M. Woltz, chief of police of The Youngstown Sheet & Tube Co., had custody of its great arsenal.86 It was the policemen of the Republic Steel Corporation who used its gas guns and shotguns on pickets and crowds of bystanders in the so-called Berger strike in Canton in May 1935.86 The juxtaposition of spy reports and arms in the hands of company police is no accident. Both are weapons against unionism, to be used by men schooled in all the practices and devices of defeating employee organizations.

The significance of entrusting arms to professional strikeguards is The committee found that the purpose of the even more sinister. professional strikeguards furnished by detective agencies or employers' associations is to discredit and destroy instruments of collective bargaining and make amicable settlement of disputes an impossibility. Customarily, such strikeguards are armed, and given access to employers' arsenals.87 The detective agencies make a business of breaking unions, both through espionage and strike services. As will be pointed out fully below, 88 in several instances known to the committee, detective agencies have added the purveying of arms to their other antiunion functions. Not only are the arms supplied to professional strikeguards almost certain to be used in brutal, aggressive, and intimidatory fashion, but the fact that arms are commonly entrusted to such men by antiunion employers illuminates much concerning the practice and purpose of industrial munitioning.

<sup>\*\*</sup>S. Rept. No. 6, pt. 2, 76th Cong., 1st sess.

\*\*Pt. 27, pp. 11286 ff, testimony of James L. Williams.

\*\*Pt. 27, pp. 11173 ff, testimony of James M. Wöltz.

\*\*See pp. 107ff. See also S. Rept. No. 6, pt. 2, 76th Cong., 1st sess, ch. VII.

\*\*See S. Rept. No. 6, 76th Cong., 1st sess. Strikebreaking Services. Strikeguards used arms purchased by employers in the following situations: Ohio Rubber Co. strike, February 1935 (S. Rept. No. 6, pp. 57 ff., pts. 21-22 passim; below pp. 116ff); Lake Charles, La., longshore strike (S. Rept. No. 6, pp. 55ff.); the Black & Decker Electric Co., Kent, Ohio (S. Rept. No. 6, pp. 46 ff; pt. 3, pp. 938 ff; below, pp. 120ff); West Point Manufacturing Co., West Point, Ga., during 1934 textile strike (S. Rept. No. 6, pp. 41 ff.; below, pp. 95-96; pt. 7, pp. 2685 ff.); Johnson Bronze Co. strike, 1934, S. Rept. No. 6, pp. 98-100); National Screw & Manufacturing Co., strike, Cleveland, Ohio, 1935 (S. Rept. No. 6, pp. 52-53; pt. 22, pp. 9390 ff.); and Columbian Stamping & Enameling Co., Terre Haute, Ind., 1935 (pt. 7, exhibit 910, p. 2714).

\*\*See pp. 94-99 and pp. 115ff.

The dangers implicit in the arms purchases of a company whose managerial and supervisory staff is schooled in an unbending policy of antiunionism, is demonstrated by this committee's examination of the Goodyear Tire & Rubber Co., covering the period of its industrial disputes in 1935 and 1936. The committee does not have testimony concerning the actual use of the more modern features of industrial armaments by this company, but it has abundant evidence of its

preparations for the use of gas and gas equipment.

In 1935 the Goodyear company was confronted by the growing organization of the United Rubber Workers, then affiliated with the American Federation of Labor, in its plants in Akron. The company's policy was to refuse to recognize the union. At a meeting of the company's personnel officials in September 1935, Clifton Slusser, vice president and factory manager, discussed its labor policy. At that time the company had recently established a plant in Australia where union agreements were in force, applied and interpreted by the Australian labor courts. Mr. Slusser said:

We have gone in places where unions have dominated \* \* \* We have only one place where we have necessarily recognized them to any extent, and that is Australia, and I am of the same opinion today as the day we started. Had we tackled that job wholly and thoroughly from a Goodyear standpoint we would never have had the problems with the union in Australia that we have had. I hope now that our centralized personnel department, in the passing out of Goodyear principles, will be able to clean up that situation in Australia and get that plant into a position where it will not be dominated by the unions and by the Federal courts, because I know such a thing is possible.<sup>89</sup>

This statement clearly indicates that the corporation not only refused to recognize unions, but also bent its efforts toward destroying and breaking down unions where they were already in existence and

where the company was working under agreement with them.

In pursuance of this policy the company was a subscriber, through the Employers Association of Akron, to the labor-espionage services of the Corporations Auxiliary Co. During the period 1933-36, inclusive, the company paid a total of \$50,173.92 to the Employers Association of Akron. The bulk of the income of this association went to the Corporations Auxiliary Co. for labor spies whose reports were rendered to all members, including Goodyear. The bulk of the control of the corporations Auxiliary Co.

The antiunion activities of the company were not confined to espionage. During the strike in Akron in 1936 the company contributed \$15,000 to the Akron Law and Order League, a vigilante organization whose leader, former Mayor C. Nelson Sparks, of Akron, made speeches so inflammatory that they drew the condemnation of local newspapers and citizenry. In one radio speech during

the strike Mayor Sparks said:

Help us to gang up for constitutional law and order in this wonderful city. Help us to make this Law and Order League so representative of public opinion that we can say to those out-of-town radical leaders, who have lighted the fires of discontent in this city, to get the hell out of here, and we are not goin, to be too much interested in the dignity of their going.

<sup>№</sup> Pt. 8, p. 2991.
№ Pt. 8, exhibit 1066, p. 3197.
№ Pt. 8, pp. 2968 ff, testimony of Harold C. Parsons, secretary-treasurer of Employers Association of Akron.
№ Pt. 8, pp. 2951-2954, testimony of Paul W. Litchfield.

Paul W. Litchfield, president of the Goodyear Tire & Rubber Co., agreed that this statement might be interpreted as an incitation to violence.92

In 1936 personnel officials of the company decided that the best policy to follow so far as possible was to confine the growth of the union to Akron, and to maintain the previous policy of the company in plants in other areas. Clifton Slusser admitted this under crossexamination by Senator La Follette:

Senator La Follette. Is it a fair statement of policy, Mr. Slusser—and if not, please point out where I am in error—that it is the policy of the Goodyear Co., insofar as possible, to confine union activities—and by "union activities" I mean outside union activities—to Akron and to prevent its spread to other plants?

Mr. Slusser. Yes. 93

In May 1936 Mr. Slusser, at a conference with representatives of the United Rubber Workers, in Akron, told a union organizer that if he went to Gadsden, Ala., to organize the company's plant there "he might get his head knocked off." <sup>94</sup> When the president of the United Rubber Workers went to Gadsden shortly thereafter, to settle a grievance that had arisen between union members and the company, that is practically what happened to him. Attempting to hold a meeting in the Gadsden Court House he was mobbed, beaten, and with his wife forced to leave town. His injuries included concussion of the brain, and required hospitalization.95

Shortly thereafter, on June 25, 1936, other union representatives who had arrived in Gadsden and set up a union office were assaulted and driven out of town. The union office was wrecked and looted. 96 The union representatives who were victims of this assault identified their assailants as employees and supervisory personnel of the Goodyear plant and Gulf States Steel plant in Gadsden. The arms used by the assailants were guns, blackjacks, and lead knuckles.98 In all the disorder the city authorities were conspicuously absent or inactive. This attitude on the part of the public authorities was perhaps partly explained by testimony of Alton C. Michaels, superintendent of the Goodyear plant in Gadsden.

Senator LA FOLLETTE. Did you have any conferences with the city commissioners in Gadsden in June of 1936?

Mr. Michaels. No particular conversations; no sir. Senator La Follette. Did you see them at all in reference to any situation

that was developing there with regard to labor unrest?

Mr. Michaels. I believe I talked to Mr. Meighan at one time and told him that I thought the boys were resentful of people coming down from Akron. Senator LA FOLLETTE. And what did he say?

Mr. MICHAELS. He didn't say anything, other than that everybody was to get protection in the city of Gadsden.

Senator LA FOLLETTE. And what did you understand him to mean when he said that everybody would get protection?

<sup>91</sup> Pt. 8, p. 2953.
92 Pt. 8, p. 2978.
94 Pt. 8, p. 2984, testimony of Clifton Slusser. See also pt. 8, pp. 2998-2999, testimony of William H. Rickets, member of the United Rubber Workers.
95 Pt. 8, pp. 3003-3007, testimony of Sherman H. Dalrymple, international president of the United Rubber Workers.

Workers.

Pt. 8, p. 3015 ff. testimony of John D. House. Ibid, p. 3021, testimony of E. L. Gray.
 Pt. 8, pp. 3024-3029, testimony of E. L. Gray.
 Ibid, p. 3028.

Mr. MICHARLS. Well, I imagine he meant the companies and the individuals themselves from any organization.

The committee sought to identify the persons who had participated in this assault on the union headquarters. Participants in this mob were identified as Goodyear employees, working in the plant on June 25, who were absent from the plant during the period of the attack from about 1 p. m. to 3 p. m. Goodyear pay roll records revealed that, in spite of this admitted absence, they had received pay for a full day's work. The plant superintendent admitted that no disciplinary action had been taken against these men. They were not even reprimanded.100

Testimony was obtained from one of the members of this mob, L. G. Cleere. Mr. Cleere stated that a gang had been organized by T. L. Bottoms, clerical assistant in the labor department of the Gadsden plant. He testified that this gang was composed of Goodyear employees and supervisory officials and also included employees of the other companies in the town. All the men were sworn in as deputies and armed. The raid on the union headquarters was planned and organized at a meeting in the cafeteria of the Goodyear plant prior to The men were told "the company and the law is behind June 25. you." 101

The company's connivance in the violent methods used to exclude organizers in Gadsden is too clear to be evaded. It was the company's established policy to prevent organization in Gadsden. president of the company had publicly stated that union organizers would meet with violence if they went to Gadsden. The gang of sluggers which broke up the union headquarters was organized in the Goodyear plant by responsible Goodyear employees. The men who participated in this gang were not docked their wages for their time out of the plant and were not reprimanded or disciplined in any way. In short, the Goodyear Tire & Rubber Co., during this period, was willing to adopt or encourage illegal, aggressive, and violent means to thwart the spread of union organization.

It is against this background of labor policy marked by espionage, vigilantism, and violence that the Goodyear Co.'s purchases of munitions must be considered. During the period 1933 to 1936, inclusive, it purchased \$22,491.32 worth of gas, gas equipment, and arms. At the beginning of his examination before the committee Paul W. Litchfield, Goodyear president, was questioned as to his views concerning the use of munitions in industrial disputes by company

employees:

Senator LaFollette. What are your views, if you care to give them, Mr. Litchfield, as the result of your long experience in the industrial field, concerning the use of gas or other munitions in industrial disputes by persons in the employ of or on the pay roll of a company which is a party to the dispute as distinguished, I mean, from the use of such munitions or weapons in the hands of duly constituted officers of the law?

Mr. LITCHFIELD. We believe that is the duty entirely of the officers of the law to perform. The only point I could see where it could be justified, in the case of the safety department of a corporation, is in defense of the property and lives of the persons in the interior of that property against attack. 102

<sup>\*\*</sup> Pt. 8, p. 3034.

\*\* Pt. 8, pp. 3033-3034, testimony of Alton C. Michaels.

\*\* Pt. 8, pp. 3044-3050, testimony of L. G. Cleere.

\*\* Pt. 8, p. 2948.

This statement of policy is unexceptionable, and one in which the committee concurs. It was not, however, followed by the company. Mr. Litchfield was examined in detail concerning the purchases of munitions made by his company in these years. He began his explanation by attributing the purchases to the necessity of protecting his company's pay roll during the bank crisis in 1933. He testified as follows:

Mr. Litchfield. The first purchase was in 1933. As you know, the banking situation was such at that time that all the banks in Akron practically failed; there were no banking corporations in Akron, and we had to get the money down from Cleveland; we were paying cash, and we were carrying between \$2,000,000 and \$3,000,000 in currency in our vault, because of the very uncertain conditions on account of the banking situation; and that is why these purchases were made, under my instructions, to afford a better defense of the payroll money in case of attack. 102a

For the protection of Goodyear's two or three million dollars in currency during 1933 the company purchased \$418.50 worth of gas equipment, only \$222 worth of which was purchased during the banking crisis in March. The rest of the \$418.50 was not purchased until October 1933.

In subsequent years the Goodyear Tire & Rubber Co. purchased the following amounts of gas:

1934	\$2, 2	266.	<b>59</b>
1935	1, 0	76.	85
1936	13, 0	63.	24

Pay-roll protection was obviously far overshadowed by some other purpose.

In a signed statement submitted to the committee, Mr. Litchfield explained the 1935-36 figures as follows:

The purchases of gas during the years 1935 and 1936 were made for supplying this equipment (vault protection devices) as well as for the general use of our watchman's service. It is impossible to separate the items on the various invoices, but it would be only fair to say that during the years 1935 and 1936 the purchases made for the protection of our property generally constituted the major portion of the entire purchases.<sup>104</sup>

In spite of Mr. Litchfield's statement that the "major portion" of the 1935-36 purchases were for the "protection of our property," it appears from the invoices submitted that \$11,757.85, out of the \$13,063.24 purchased by Goodyear in the year 1936, was for material intended for the sheriff of Summit County, Ohio, and paid for by Goodyear. The pay-roll protection equipment amounted to only about 10 percent that year, which witnessed an important Goodyear strike during which these purchases were made. In his testimony Mr. Litchfield explained the purchases made in 1936 as being necessitated by "the mobs out in the street surrounding the plant." He said that these purchases were made at the request of the sheriff. It appears, however, that they may have been delivered to the plant. Mr. Litchfield's testimony on this point was evasive:

Senator La Follette. Where were they delivered, Mr. Litchfield? Mr. Litchfield? Mr. Litchfield. I do not know. I imagine they were delivered to the sheriff.

<sup>180</sup>a Pt. 8, p. 2950.
1804 Involces supplied by the Goodyear Tire & Rubber Co., held in committee files.
1804 Pt. 15-O, exhibit 3067, p. 6487.

Senator La Follette. You do not know whether they were delivered to the sheriff or to the company?

Mr. LITCHFIELD. I imagine they were delivered to the sheriff and the police

forces, because they had their own men inside our plant.136

The committee probed beyond Mr. Litchfield's assumption that the gas was needed to protect the plant from damage by pickets. During 1935 Goodyear made elaborate preparations in anticipation of a strike. A force of picked employees numbering between 100 and 400 persons  $^{100}$ was chosen for possible strike duty. This group was composed partly of members of the plant-protection department, partly of volunteers, and partly of the members of the Goodyear "flying squadron," an organization of men trained in all departments of the plant, and capable of being promoted to foremen. These men were trained in military tactics by National Guard officers on company property. The company paid them \$1 an hour during their training periods. Some of the men received training in the use of rifles. 107 The sheriff of Summit County, Ohio, swore these men in as deputies. 108

The training that these men received centered around the use of gas in riot duty. Charles David Lesley, National Guard member and former employee of the Goodyear plant, who had participated

in this training, described it as follows:

Mr. LESLEY. There were general instructions given to the entire group in the use of a gas gun and the position of a man using this gun in the various formations.

Senator La Follette. What sort of particular formations did you practice that had to do with riots?

Mr. LESLEY. The one that they stuck to very close was what is known as the wedge formation.

Senator LA FOLLETTE. Describe that.

Mr. Lesley. The formation is made by a group of men, who when they are in their positions, the formation takes the appearance of a wedge with a spearhead.

The position of this gas man is in the center, for his protection. Senator LA FOLLETTE. Would you describe this as an offensive or defensive formation?

Mr. Lesley. Offensive; absolutely.

Senator LA FOLLETTE. And were you told when you were practicing this wedge formation how it was to be employed?

Mr. Lesley. We were instructed that, although we were to be used as inside guards, it was to protect the property. Sheriff Flower did make this statement, that he might call on a number of us whom he felt had the necessary qualifications, to go out and break up any demonstration that might take place.

Senator La Follette. Outside on the street?

Mr. Lesley. That is right. And this wedge formation was the formation to be used.

Senator LA FOLLETTE. Was there any discussion in these training periods of

the use of any weapons aside from the gas gun?

Mr. Lesley. Yes. They picked a group of men that had training in the handling of rifles. These men were trained elsewhere, however.

Senator La Follette. Was there any discussion about the use of billies or clubs or blackjacks?

109 Ibid.

<sup>166</sup> Pt. 8, p. 2951 106 Pt. 8, pp. 2974-2975, testimony of Clifton Slusser, vice president and factory manager; ibid, pp. 2993-2997, testimony of Charles David Lesley, former employee of the Goodyear Tire & Rubber Co. Mr. Lesley sets the number at 400. Mr. Slusser at 100.

107 Pt. 8, p. 2997, testimony of Mr. Lesley.

Mr. Lesley. Yes.
Senator La Follette. What was said about that?
Mr. Lesley. Merely that they would be furnished in time of trouble.

As has been noted above, the company purchased some 1,600 clubs during the period 1933-36. Had trouble occurred the gas squads would have been amply supplied. The training of these men in rifle fire and offensive gas tactics, however much it violated President Litchfield's canons for the use of industrial munitions, was entirely consistent with the practice of the company in 1935 and 1936. The company was clearly guilty, at Gadsden, of conniving in the excursions of a mob into the streets and union headquarters. In 1936, in Akron, it actively and financially supported an organization whose leader attempted to whip up a mob spirit and drive the organizers out of town. In the light of such an attitude, it does not appear illogical that the company should have trained its own employees in the use of gas and firearms for street fighting.

The deep significance of the unregulated and unlimited purchase of arms by a corporation which harbors such purposes should not be overlooked. What happened at Gadsden or Akron was bad enough, but what might have happened had the stores of arms been made available to the vigilantes would have been far worse. Lack of restraint on the part of a foreman, or the whim of a plant policeman, could perfectly well have resulted in arming the mob with gas guns or revolvers from the company's arsenal, turning a disorderly situation into some-

thing very close to civil war.

In view of the fact that other corporations, whose animosity toward the process of union organization has been proven to be no less than that of the Goodyear Co., have large stores, not only of gas but of revolvers, shotguns, and machine guns, the need of taking legislative steps becomes apparent. The use of such stores of ammunition and arms by vigilante groups has been a possibility more than once in the bitter industrial disputes of the last 4 years. What has saved the country from more tragic occurrences has been its good fortune rather than its good sense. Steps should be taken to prevent the possibility that such arms may fall into the hands of lawless groups in the future.

#### SECTION 3. PURPOSE AS REVEALED BY THE MUNITIONS COMPANIES

The committee's intensive investigation of the three principal munitions companies mentioned above, Federal Laboratories, Inc., Lake Erie Chemical Co., and Manville Manufacturing Corporation, included an examination of the correspondence between these companies and their sales agents. This correspondence is more indicative of the true nature of the munitions business than any public professions or statements made by the companies in order to justify their business. The announced policies of the munitions companies are widely at variance with their conduct. The slogan "On the side of law and order" appears on the letterhead of Federal Laboratories, Inc. Similarly the Lake-Erie Chemical Co. takes the position that it sells only to law-enforcement agencies and "good citizens." In their business

<sup>100</sup> Ibid., pp. 2996-2997.

in Ch. 111, p. 53.
in Pt. 2, p. 390. Testimony of A. S. Ailes, sales manager of the Lake Eric Chemical Co.

practices, however, the companies push the sales of their products without attention to law and order or the merits of the disputes in which their weapons are to be employed. The attitude of their agents. and employees toward the sale of gas and machine guns, constitutes an index of the real purpose and use of these weapons.

## A. DEPENDENCE OF MUNITIONS VENDORS ON STRIKES AND LABOR TROUBLE

The statements of the responsible officers of the munitions companies reveal that their business depends in a large measure on the existence

of labor disputes and strikes.

The wave of union organization evoked by section 7 (a) of the National Industrial Recovery Act and the National Labor Relations Act meant increased business for the munitions companies as it did for the detective and strikebreaking agencies. Like the detective agencies, the munitions companies allied themselves with the employer in the industrial disputes which arose from the efforts of unions and employees to exercise the rights of self-organization and collective bargaining guaranteed to them by those laws.

On July 24, 1934, John W. Young, president of Federal Laboratories,

Inc., wrote to his sales agents as follows:

Police departments in small communities can no longer say that they need not worry about trouble. Section 7 (a) of the National Recovery Act states that labor shall have the right to organize without interference on the part of the employer—but it does not state that labor shall not be interfered with from the outside. This has thrown open an opportunity for the unscrupulous promoter

to come in and organize labor for what he can get out of it.

Onion farms, fruit farms organize. Gas Station employees, and people who never dreamed of labor trouble are having it now because of the interference of outsiders-and the sheriff and the law-enforcement officer must be prepared to

handle this situation.113

In this statement, Mr. Young emphasized law-enforcement agencies as the market for munitions. On other occasions, however, the company gave first importance to employers as the market for gas weapons. At a convention of the salesmen of Federal Laboratories, in Pittsburgh in 1934, the heads of the company again directed attention to section 7 (a) and the developing conflict between employees organizing under its protection and employers hostile to the recognition of collective-bargaining agencies. Joseph M. Roush, salesman for Federal Laboratories in California, attended this convention, and, in a deposition, described the speeches made there:

Q. You heard these speeches yourself?—A. Yes; most of them.
Q. Do you recall the speeches now?—A. No; other than the general thought behind them; namely, that trouble would occur; that we should take advantage of it; that where law enforcement groups could not purchase we should try to of it; that where law enforcement groups could not purchase we should try to raise funds either through public subscriptions or by calling on private individuals ourselves; to keep in constant contact with corporations; and in general take advantage of the trouble that, according to the Federal Laboratories' officials would take place due to the administration and the laws which it had enacted—calling specific attention to the N. R. A. section 7 (A) which Mr. Young, president of Federal Laboratories said would give us more business than any other single thing. As far as going further into the procuring of sales, it was suggested that we contact the heads of corporations, pointing out losses that occurred to plants that did not have proper protection equipment, and in turn to stress that loss could be lowered by a small investiture in our equipment. It was, of course,

<sup>112</sup> Pt. 7, exhibit 820, pp. 2632-2633.

recommended by the president that we try to keep track of any labor trouble that might be impending and to immediately get in touch with the authorities in that area as well as with any corporation that might have holdings, or that might have labor trouble as the result of trouble in that area.113

The sales force of this company was directed again and again to follow labor troubles and disputes and to press the sale of munitions in anticipation of, or during labor organizing campaigns and strikes.<sup>116</sup> In 1933, salesmen for Federal Laboratories were informed that failure to report upon strikes in their respective districts would result in their being replaced or discharged. The company made a practice of clipping newspaper items about strikes and forwarding them to the salesmen who had charge of the regions involved. 116

The same attitude pervaded the management of the Lake Erie. Chemical Co. When questioned by Senator La Follette as to whether labor trouble increased his business, A. S. Ailes, sales manager and vice president of the Lake Erie Chemical Co., answered with an

emphatic affirmative:

Senator La Follette. Does the imminence of labor disturbances aid any in selling gas, as a rule, to industrial buyers?

Mr. AILES, I should think.117

The announcement of the drive of the Steel Workers Organizing Committee in 1936 to enlist employees of the steel industry in unions evoked immediate efforts on the part of the Lake Eric Chemical Co. to sell tear gas and equipment to the steel companies. 118 This sales effort was made long in advance of any strike. The salesmen of this company were informed of current strikes and directed to get business from them. 119

The Manville Manufacturing Corporation, the smallest of the three largest munitions firms, also relied upon labor troubles to make sales. W. A. Engelhart, sales manager for Manville, testified that his sales were divided evenly between industrial firms and law-enforcement: agencies. 120 The secretary-treasurer of the Manville Corporation, writing to a salesman on March 20, 1935, emphasized the dependence of the company's business on labor trouble:

I am in receipt of yours of the 18th in regard to territory. Your change in this matter was no surprise to me. I had figured that once you had been in the field, you would, no doubt, realize that the best place in this line are in industrial centers or, at least, centers where trouble is employed in large volumes.181

Sales to companies for protective purposes only, such as equipment to repel marauders or thieves, were scorned by this company's sales-Reporting on a trip to the Hazel-Atlas Glass Co., which had sent in a request for equipment to prevent looting of employees' automobiles, a salesman for the Manville Corporation expressed his disappointment as follows:

My DEAR CHARLIE: Well, this thing is not so hot, as there is no labor trouble here, and what they want is just a couple of revolvers and a box of shells.

<sup>113</sup> Pt. 15-D, exhibit 3712, p. 7183.
114 See pt. 7, exhibit 815, p. 2434.
115 Pt. 7, exhibit 814, p. 2433.
116 Pt. 7, p. 2435, testimony of Bailey H. Barker, vice president.
117 Pt. 2, p. 394.
118 Pt. 2, pp. 395-397, testimony of A. S. Ailes.
119 Pt. 2, p. 395, exhibit 200.
110 Pt. 2, p. 458.
111 Dtd.
112 Pt. 2, arhibit 265, p. 458.

<sup>#</sup> Pt. 2, exhibit 265, p. 458.

The salesmen of the munitions companies, in reporting on their efforts, make it clear that their business consists in following labor Herrick Foote, a Lake Erie Chemical Co. salesman for New England, was perhaps the bluntest of speech and at the same time the frankest of these salesmen. Mr. Foote wrote to sales manager A. S. Ailes, on April 5, 1935:

Wish a hell of a strike would get under way. 123

And on June 15, 1935, he wrote Mr. Ailes that there were prospects for a general textile strike since the United Textile Workers had just decided to demand a wage increase. He adds:

I hope that this strike develops and matures and that it will be a damn bad one, we need the money. 124

Donald J. Wright of Federal Laboratories, operating in California, looked not only to strikes but also to pacifists' meetings as sources of potential business. He wrote on March 18, 1934, to Federal Laboratories' sales manager:

Next month should be a good one. Another strike is expected in the Imperial Valley for the cantaloupes. The national demonstration on April 6th of the pacifists and the crops that will come in that month in the north. Harvest season starts about the middle of June and continues throughout the summer and if anything works out the way the labor side of the question is concerned things will be popping.125

In January 1934, he reported on the prospects of business in a pending California milk strike as follows:

DEAR MR. BARKER: Good news I hope. The milk strike is supposed to break today. The strikers presented their demands this morning, and we are standing by to await results. I was in touch with Captain Hastings of the sheriffs' Communist squad, this morning, and he is up in the air as to what will take place.

I will let you know as soon, as possible the outcome of the milk strike. Here's hoping it is a good one. 126

"We are surrounded with strikes," reported Lake Erie's St. Louis salesman, Fred Searle, on May 10, 1935, "but they are all too peaceful to suit me." 127 Joseph Roush, Federal Laboratories' other California agent, expressed the same sentiment in his letter of November 22, 1934, to his attorney, Loren Myers, in which he wrote:

My DEAR LOREN: Just a line to let you know that I am still alive and still waiting for a nice juicy strike up here. The darn things don't happen often enough to suit me. 128

In the same letter Mr. Roush added, with apparent qualms about his calling:

I honestly believe I can join the Ancient Order of the Ghouls pretty soon. 129

One Federal Laboratories agent saw in the attempts of the Federal Government to settle the strikes through its Conciliation Service a serious threat to his business, and he wrote to Federal Laboratories on April 2, 1934, in part as follows:

<sup>131</sup> Pt. 2, exhibit 207, p. 399.
124 Pt. 2, exhibit 208, p. 400.
125 Pt. 7, exhibit 824, p. 2439.
126 Pt. 7, exhibit 822, p. 2633.
127 Pt. 2, exhibit 212, p. 402.
128 Pt. 7, exhibit 821, p. 2438.

<sup>130</sup> Ibid.

I think someone should get out a restraining order on the President of the United States to prevent him from stopping all these strikes. It seems to me that his actions are absolutely in restraint of trade—that is as far as we are concerned.<sup>130</sup>

Such statements by munitions salesmen are understandable in the light of the stake which they have in strikes and strike violence. The amount of this stake is seen by the windfall which the 1937 "Little Steel" strike proved to be for Federal Laboratories agent Jack J. Baxter, whose territory covers parts of eastern Ohio and western Pennsylvania. The amounts of commission on sales earned by Mr. Baxter during the year 1937 were as follows:

January February March April	193, 79 215, 08 232, 95	November (red)	189. 40 60. 44 41. 74
May June	3, 086, 58 24, 337, 07	December	103. 01
July	244. 61	Total	29, 421, 44

It will be remembered that Mr. Baxter sold approximately \$50,000 worth of gas equipment to the Republic Steel Corporation and \$30,000 to \$40,000 more to law-enforcement agencies during the "Little Steel" strike in May and June of 1937. Thus, of the \$29,000 in commissions for the year, all but \$2,000 was earned during the months when the steel strike was in progress. From this record there can be absolutely no doubt as to Mr. Baxter's—not to mention Federal Laboratories'—

stake in potential strike violence.

The statements of persons engaged in the business and their sales records are conclusive evidence that strikes and labor trouble constitute the most lucrative market for industrial munitions. that the munitions salesmen are eager to canvass companies in those industries where organizing drives are imminent speaks volumes concerning the purpose for which industrialists purchase gas. In July 1936, when the Lake Erie Chemical Co. approached the great steel companies in Pittsburgh, Pa., and Birmingham, Ala., there was not the slightest threat of a strike. 131 That the steel workers organizing drive did not necessarily contemplate a strike is demonstrated by the peaceful experience of the United States Steel Corporation, which recognized the Steel Workers Organizing Committee early in 1937 and has continued its production uninterruptedly, and without purchasing tear gas, ever since. In 1936, however, the munitions companies were relying on the traditionally hostile attitude of the steel companies toward union organization. In the terms of that traditional attitude, organization, ultimately meant a prolonged and bitter strike. It was this attitude that made a market for the munitions firms, and led employers to think of arms rather than contracts and peaceful bargaining when their employees began to enroll in unions.

#### B. EMPHASIS ON EMPLOYERS AS MUNITIONS CUSTOMERS

The fact that munitions companies, in their sales efforts, lay consistent and primary emphasis on employers and corporations, both as purchasers of munitions themselves, and as influential in inducing law-

<sup>130</sup> Pt. 7, exhibit 823, p. 2439.
121 Pt. 2, p. 395-397, testimony of A. S. Ailes.

enforcement agencies to make purchases, is indicative of the purpose

and character of industrial munitions.

The munitions companies do not sell to labor organizations. sales to employers comprise roughly more than one-half of the total business of these munitions firms, there is no record, that the committee has been able to discover in its whole comprehensive investigation, that any of these companies sold any gas or gas equipment to any labor organization or the members thereof. John W. Young, president of Federal Laboratories, Inc., testified before the Special Senate Committee Investigating the Munitions Industry that he had not made any sales to labor organizations, and furthermore, that he had never been requested to do so. 132 The Lake Erie Chemical Co. followed the same policy. On May 13, 1936, the Lake Erie Chemical Co. wrote to a union of chauffeurs and helpers as follows:

GENTLEMEN: We are restricting the sale of our tear gas weapons to law-enforcement agencies, and therefore are not in a position to quote, in answer to your letter of May 10th. We do not sell through dealers.<sup>133</sup>

When questioned about this letter, A. S. Ailes, sales manager and vice president, testified that it did not represent "exactly" the policy of his company. Indeed, as has been pointed out above, the Lake Erie Chemical Co. made every effort to sell to persons not connected with law-enforcement agencies, provided they were on the employer's side of the industrial conflict.

In passing it may be pointed out that this is the only instance that the committee has been able to find of a request for, or an attempt to purchase, gas munitions on the part of a labor organization. 134 The general character and connections of the munitions companies. however, are such that they probably would not sell to labor organizations, even if the opportunity to do so presented itself. An impartial and equitable position would be to sell neither to labor organizations nor to employers, but the fact that employers are large and profitable customers outweighs such considerations, and definitely alines the munitions company with the employer's side of the industrial conflict.

The munitions companies make no real attempt to ascertain the character or reputation of the employers to which they sell. the necessity for secrecy and concealment in the purchase of munitions by employers, which we have described above, often makes identification of the purchaser difficult. In his testimony, A. S. Ailes, sales manager and vice president of the Lake Erie Chemical Co., was unable to sustain the proposition that he sold only to reputable business concerns:

Senator Thomas. You would not sell it?

Mr. Ailes. No. There should have been in the files, and should have been extracted from the files, documents that indicate the general policy of the company is to sell only on the side of law and order always, and to sell only to an individual that can establish a good reputation. We have turned down many an order.

Senator Thomas. Now, I am quite interested in that question of reputation. What constitutes an individual who can establish a good reputation? Just what

is that?

<sup>132 74</sup>th Cong., 2d sess. Senate hearings before a Special Committee Investigating the Munitions Industry pursuant to S. Res. 206, pt. 7, p. 1620.

132 Pt. 2, exhibit 198, p. 393.

134 I. H. McCarty, Lake Eric Chemical Co. California salesman, made attempts to sell gas equipment to an otherwise unidentified "beer wagon driveve" valon" in San Francisco during July 1936. (See pt. 2, exhibits 244-245, pp. 626-628: Letters from I. H. McCarty to the Lake Eric Chemical Co.) The company's invoices did not indicate that he made the sale.

Mr. Alles. Well, that is a big question. If he is in business, I should say if he has an established business, his front door is open to the public and one does not have to peep in through a peephole to give a signal to someone, we have a right to sell that man because it is the police department's duty to close him up if he is not conducting a legitimate business. Therefore, I say we sell business men openly if they have an established business. If he is a doctor, I take his word for it that he is a legitimate man, but if he refuses to identify himself we will not for it that he is a legitimate man, but if he refuses to identify himself we will not

Senator Thomas. You also sell to people in an unopen way, according to your testimony. One company wants to buy your product but you will bill another

man. Is that man always a legitimate business man?

Mr. AILES. I think so. Senator Thomas. You think he has the standing of a legitimate buyer? Mr. AILES. Absolutely.

Senator THOMAS. What is his reputation?

Mr. AILES. That is up to the company that sends him to us; we accept the fact that he has a good reputation.

Senator Thomas. So if the company will hire a man who has no reputation

you will sell to him then?

Mr. AILES. We'll sell to the company and deliver to whomever they tell us to deliver it to. 185

Mention has been made above of the instructions given to Federal Laboratories salesmen to interview not only the law-enforcement authorities but also the corporations in places threatened by labor As will be pointed out in greater detail below, industrialists are a potential market for gas and gas equipment, even though the arms purchased may be entrusted to public authorities. Federal Laboratories salesmen, therefore, in following their instructions, interviewed the heads of corporations not only for the purpose of selling gas directly to such corporations but also for the purpose of selling them gas for the custody or use of local law-enforcement agencies.

Such attention to the employer as the potential purchaser is indicative of the partisan character of the gas weapon. admissions of the fact that gas is the employer's weapon are occasionally found in the correspondence of the gas salesmen. A salesman for the Lake Erie Chemical Co., reporting on May 10, 1935, concerning

his activities writes in part, as follows:

The mayor of Belleville, Ill., Mr. George Remnsnider, is considering the purchase of some gas. His predecessor being a Union Man himself would never consider gas. 137

A salesman for the Manville Manufacturing Corporation had similar trouble trying to sell gas equipment during the Wheeling Steel strike in New Boston, Ohio, in June 1936. He reported, as follows:

In New Boston they are handicapped as three of the city council are on the picket lines and a brother of the chief and also the mayor are there too. 138

<sup>136</sup> Pt. 2, pp. 415-416.

138 See p. 88.

137 Pt. 2, axhibit 212, p. 595. The committee, after this exhibit was first published, received a communication from the mayor of Belleville dated November 25, 1936, stating that he bad never purchased gas nor intended to do so. The committee makes use of this excerpt from the salesman's letter without intention of casting any reflection or inuendo on the mayor of Belleville or his attitude. The letter is quoted merely to show that the gas salesman was conscious of the partisan character of the weapons he had to sell.

138 Pt. 2, exhibit 269, p. 654, a letter from J. W. Lobdell to W. A. Engelhart, dated June 26, 1936.

Balked in his efforts to sell to the public authorities, this salesman turned to the industrial concern involved. He writes in the same

This p, m. I am getting in with Mr. King, who has charge of the police in the plant.

Such incidents suggest, in pointed fashion, that the prominence and importance of employers as munitions purchasers is attributable not so much to their need for property protection as to the partisan and agressive use against labor organization of which gas and gas equipment are capable.

#### C. DETECTIVE AND STRIKEBREAKING AGENCIES AS SALES AGENTS FOR AND PURCHASERS OF MUNITIONS

The strikebreaking services of the so-called detective agencies have been amply analyzed and discussed in a previous report of this committee.130 Mention is made there of the relation between industrial munitioning and strikebreaking services, with a brief discussion of the activities of some detective agencies as sales agents for gas and gas equipment and Thompson submachine guns.140 In that report the committee found that commercialized strike services tend to produce violence and disorder, that professional strikeguards and strikebreakers have a pecuniary incentive to create and maintain disorder and violence, and that such strikeguards are worse than useless in preventing or policing acts of lawlessness or violence by strikers.<sup>141</sup> Connections between the agencies which purvey such strikebreaking services and supply strikeguards and strikebreakers and the companies which manufacture and supply industrial munitions are therefore peculiarly relevant to this discussion of the character of industrial munitions and the purpose for which they are purchased.

The detective agencies, when they act as munitions agents, sell, naturally, to those employers with whom they have established relations through their strikebreaking or espionage services. They may even sell arms as part of their strikebreaking services, as in the case of the West Point Manufacturing Co. of Georgia, in September 1934, when the Railway Audit & Inspection Co., Inc., simultaneously supplied four machine guns, a large quantity of gas equipment, seven professional strikeguards, and one expert labor spy. 142 When munitions are in the hands of professional strikeguards and strikebreakers, it is an almost foregone conclusion that their use will not

be confined to purposes of property protection.

Sales of munitions by detective agencies, therefore, cast suspicion on the purposes such munitions are intended to serve. As the committee has pointed out in its report on strikebreaking services the employer who has in good faith accepted the principles of collective bargaining will not willingly engage detective agencies either for undercover or strike work. Detective agencies necessarily appeal

S. Rept. No. 5, 76th Cong., 1st sess.
 Ibid., pp. 36-38.
 Ibid., pp. 136-137.
 For a complete description of this incident see S. Rept. No. 6, Strikebreaking Services, pp. 41-46.

to those employers whose concern is to defeat or destroy unionism, and their efforts to sell munitions are undertaken with the same bias. The fact that the sale of munitions by detective agencies is successful and profitable, and that the munitions companies eagerly seek sales contacts with the detective agencies is an indication of the antiunion

animus of the munitioning business.

The munitions dealer-detective agency connection of longest standing and greatest importance is that between Federal Laboratories, Inc., and the Railway Audit & Inspection Co.—a marriage of the two foremost exponents of their respective brands of antiunionism. 148 W. W. Groves, president of Railway Audit & Inspection Co., and a personal friend of John W. Young, Federal Laboratories' president, was a member of the board of directors of Federal Laboratories from 1930 to 1935. He still owns a small amount of the company's stock. Railway Audit & Inspection Co.'s Atlanta, Ga., and New Orleans, La., offices, served as sales agents for Federal Laboratories for several The territory covered by these offices included the States of Louisiana, Mississippi, Georgia, and Florida. The Atlanta office of the detective agency terminated its arrangement about January 1936, but the New Orleans office was still actively selling munitions at the time of the committee's hearings in March 1937. During the 4 years considered by the committee, Railway Audit & Inspection handled some \$70,000 worth of business for Federal Laboratories. the largest single portion of which was the \$16,000 sold in Georgia during the general textile strike of September 1934.144

In several instances which came to the attention of the committee, Railway Audit & Inspection strikeguards used Federal Laboratories One example was the great New Orleans Street Railway Co. strike of 1929, described in the testimony of E. J. McDade and C. M. Kuhl, 145 and mentioned in several places in this committee's report on

strikebreaking services.146

According to the testimony of the strikebreakers who had participated, this strike was marked by violence and slugging on both sides.147 John W. Young, president of Federal Laboratories, was present in New Orleans during the strike and sold considerable quantities of tear gas for use both by the Railway Audit & Inspection Co. guards and by the New Orleans police.148

Another instance of the use of Federal Laboratories munitions by employees of the Railway Audit & Inspection Co. is the West Point Manufacturing Co. case. 149 Using four machine guns sold through the Railway Audit & Inspection Co., seven professional guards terrorized a whole community, intimidating and injuring persons who had

iii Pt. 7, pp. 2475-2498, testimony of John W. Young. For testimony relating to Railway Audit & Inspection Co., see pts. 1 and 15-A. See also S. Rept. No. 6, 76th Cong., 1st sess., passim.

iii Pt. 15-D, exhibit 3597, p. 7014.

iii Pt. 1, pp. 114 ff.; pp. 196 ff.

iii S. Rept. No. 6, 76th Cong., 1st sess.; in particular pp. 92, 94, and 102.

iii Pt. 7, exhibit 910, p. 2712, affidavit of E. J. McDade.

iiii Pt. 2, p. 385, testimony of E. E. MacGuffin, in charge of the strikebreakers on this job; pt. 15-D, exhibit 3649, p. 7052, testimonial concerning the use of Federal tear gas in this strike by Charles Williams (also known as the "Boilermaker," strike lieutenant for the Railway Audit & Inspection Co., at this strike). Williams' strikebreaking and criminal record is contained in this committee's report on strikebreaking services (S. Rept. No. 6, 76th Cong., 1st sess., p. 195).

iii See S. Rept. No. 6, 76th Cong., 1st sess., pp. 4i ff.

no connection with the union or with the then current general textilestrike of September 1934. Similarly, the Railway Audit & Inspection Co. guards furnished the Port of Lake Charles, La., during the longshoremen's strike of October 1935, were armed with machine guns and tear gas sold through the agency of the Railway Audit & Inspection Co.160 The strikeguards on this occasion engaged in a pitched battle with the striking longshoremen which lasted 7 hours, and the guards suffered casualties of three dead and eight wounded. The Lake Charles affair was observed with interest by Capt. Joseph Sonnenberg, of the New Orleans Police Department, who at that time was acting as sales agent for the Lake Erie Chemical Co.'s products in the New Orleans area.<sup>151</sup> In a letter dated November 1, 1935, to A. S. Ailes, sales manager of the Lake Erie Chemical Co., he expressed his disapproval of business connections between strikebreaking and munitions agencies:

DEAR MR. AILES. Did you know that 3 men were shot and killed and 8 wounded at Lake Charles, La., during the same Longshoremen's strike, one day last week? Well those men were some of the "FINKS" or real "special officer" strikebreakers handled by the agents of your pals, the "Federal" representatives; So you see, the people that handle the "Federal Gas" here are in other business, a kind that is very unsavory.152

The Lake Erie Chemical Co. was not, however, averse to forming similar connections with detective agencies. One of its salesmen was Paul H. Kilian, of Detroit, Mich., proprietor of the O'Neil Industrial Service Co. engaging, as far as the record shows, principally in industrial undercover work. Mr. Kilian was enthusiastic about the possibilities of the connection between his undercover services and the sale of industrial munitions. He wrote on August 30, 1932, to Ailes as follows:

Since we have started to represent you Mr. Cox (a solicitor for O'Neil Industrial Service) in some ways has given you as many contacts and representatives to prospects as perhaps an average salesman would do if he were doing nothing but represent you. By this I mean that calls in connection with introducing your material are made in very many instances what might be called concurrently. In other words where we used to go in to a manufacturer and talk our service we now talk service and gas

I have gotten into this gas situation I am frank in saying despite many discouragements I have not written you about and I still feel it should be a good thing for both you and us to represent you here. Your material ties up nicely with our line of business. 183

The detective agencies and munitions companies are acutely conscious of the significance of the connection between their respective lines of business. Federal Laboratories, Inc., went to considerable lengths in its attempt to cover up its connections with the Railway Audit & Inspection Co. The sales arrangements which linked together this munitions company with one of the largest labor-spy and strikebreaking agencies in the country were brought to light publicly in September 1934 in the public hearings of the United States Senate Special Committee Investigating the Munitions Industry.<sup>164</sup>

<sup>146</sup> This episode is discussed in detail in S. Rept. No. 6, Strikebreaking Services, 76th Cong., 1st seen., pp. 55. ff.
IN For further discussion of Captain Sonnenberg's sales activities on behalf of the Lake Eric Chemical Co.,

see p. 163.

16 Pt. 17-D, exhibit 3733, p. 7200.

18 Pt. 15-D, exhibit 3714, p. 7185

134 United States Senate, Special Committee Investigating the Munitions Industry, pt. 7, p. 1618.

Subsequent to that investigation and in contemplation of another inquiry into its activities, Federal Laboratories altered its invoice books so as to conceal the name of the Railway Audit & Inspection Co. where it appeared as sales agent. Ink eradicator was used to remove the name of the Railway Audit & Inspection Co. from the 1935 invoices. as sales agent. The notation "Neill (2)" was then inserted in place of "Railway Audit." 165 President John W. Young testified that this designation meant that these sales were made by the Railway Audit & Inspection Co., as subagent for Mr. Neill, who had charge of the whole southern territory. To During 1936 the Railway Audit & Inspection Co., through its New Orleans manager, Harold Bomboy, carried on the Federal Laboratories agency for the New Orleans, La., district. No reference whatever to the name of the Railway Audit & Inspection Co. appeared in the books or records of Federal Laboratories for the year 1936. Instead of "Neill (2)" the cryptic phrase "D. M. Cloud" was used on all invoices covering sales made through the Railway Audit & Inspection Co. The notation "Cloud-Neill" appeared as salesman. In the cash disbursements and commission statement books of Federal Laboratories, Inc., all commission payments for 1936 were listed as paid to "D. M. Cloud." 167 In other words, for the year 1935 the name of the Railway Audit & Inspection Co. was removed from the invoices covering the sales it made, although other records indicated that commission payments were made to it. For the year 1936 all records were falsified and indicated that the salesman for the New Orleans territory was D. M. Cloud rather than the Railway Audit & Inspection Co. Mr. Young, when questioned regarding the alteration and falsification of his company's records, testified:

\* but I think, to clear your records, the obvious intent was to keep that information from the investigators. 158

The same concern was expressed by Paul H. Kilian, the Lake Erie detective-agency salesman, when the investigation of this committee was first announced. Writing to George W. Pay, Lake Erie treasurer, within a few weeks after the passage of Senate Resolution 266 he expressed his eagerness to get rid of a quantity of Lake Erie gas and gas equipment stored in his office, before it was found by a Senate investigator. He felt that the discovery of gas equipment in an office of a detective agency would be considered "hot stuff" and surmised that the committee might make the following estimate of the situation:

They would, no doubt, have much to say about how we are all lined up with the munitions manufacturers in defeating the aims of the Administration insofar as its plans of the unionization of all workers are concerned.159

The munitions companies tend to consider agencies which supply strikebreaking services as important business connections. A.S. Alles, vice president of Lake Erie Chemical Co., made the discovery in 1936 that the National Metal Trades Association furnished guards and strikebreakers and took charge of the strike situations in which its members became involved. Immediately he wrote to one of his sales-

<sup>144</sup> Pt. 7, p. 2479 ff., testimony of John W. Young and G. Oberdick, his assistant.
145 Ibid.
147 Ibid., pp. 2482-2483.
144 Pt. 7, p. 2480, testimony of John W. Young.
149 Pt. 15-D, exhibit 3724, pp. 7195-7196.

men urging that business relationships be established with that association:

DEAR NORTHCOTT: You will recall that I wrote to you several times about the National Metal Trades Association with Headquarters in Chicago. This outsit is a great potential source of business, and I think we have overlooked a bet in not getting better acquainted with them. \* \* They have a membership consisting of the most prominent metal-working concerns in the U.S.

I did not know until recently that this concern furnished guards, strikebreakers and the like for industrial concerns belonging to their association.

and the like for industrial concerns belonging to their association. However, they do do so and dictate the defensive sources of materials that the members should

buy.100

Quite apparently what most interested Mr. Ailes was not the fact that the National Metal Trades Association was itself a potential purchaser of gas but that it dictated the sources from which its members should buy their weapons. Detective agencies to some extent also perform this function for the employer. That fact, and their acquaintance with the labor situation, gives them an importance for the munitions vendors.

The Federal Laboratories agent in Cleveland, Ohio, W. J. DeVoe, kept in close touch with detective agencies to get inside information on the current and pending local labor situation, for the purpose of securing business when strikes developed. Mr. DeVoe wrote to Federal Laboratories Agent J. J. Baxter, of Youngstown, in July 1935, that he had just been discussing at length the labor situation with Jake Mintz, who runs a small detective agency in Cleveland. 161 On June 25, 1936, DeVoe wrote again to Baxter saying that he had been down in Kent and Ravenna, Ohio, trying to sell gas for the Black & Decker Electric Co. strike. DeVoe's sales efforts were directed toward his "old friend McGrath" of the McGrath Detective Agency in Cleveland, who had supplied strikebreakers to the Black & Decker Mr. DeVoe wrote:

Have been unable to see McGrath since, but I doubt if we will ever be able to do anything with that bird until we have a real understanding with him

An example of the purchasing of gas munitions through a detective agency is provided by the Columbian Enameling & Stamping Co., strike in Terre Haute, Ind., in July 1935. E. E. MacGuffin, who had command of the strikebreakers for the Railway Audit & Inspection Co., in the New Orleans Street Railway Co. strike in 1929, supplied operatives to Columbian Enameling & Stamping Co. through his own agency, the National Corporation Service of Youngstown, Ohio. 164
The Lake Erie Chemical Co. shipped about \$1,800 worth of gas for the Columbian Enameling & Stamping Co., to J. P. South in Terre Haute. 165 J. P. South was one of MacGuffin's leading operatives and strikebreakers. 166 On this order of gas MacGuffin split the com-

<sup>160</sup> Pt. 2, exhibit 217, pp. 598-599.

161 Pt. 15-D, exhibit 3641, p. 7047.

162 For account of this strike see S. Rept. No. 6, Strikebreaking Services, pp. 46 ff. The strikeguards at this strike were supplied with Lake Erie gas purchased through the National Metal Trades Association.

(See p. 120-122.)

164 Pt. 15-D, exhibit 3642, p. 7048.

164 For details concerning MacGuffin and National Corporation Service, Inc., see S. Rept. No. 6, Strikebreaking Services, throughout. See also pt. 1, exhibit 184, p. 345, which indicates that National Corporation Gervice received over \$3,000 from the Columbian Enameling & Stamping Co. in July 1935. National Corporation Service supplied both labor-espionage and strikebreaking service.

164 Pt. 2, pp. 400 ff.

165 See S. Rept. No. 6, Strikebreaking Services, p. 180, for the strikebreaking record of J. P. South. (See also ibid., p. 109.)

Macmission with the Lake Erie salesman and received \$373.60.167 Guffin testified that he received this commission personally for introducing the Lake Erie salesman to "the man in charge for the Colum-

bian Enameling & Stamping Co.'

The detective agencies figure only slightly as outright purchasers of munitions. The records reveal occasional sales, in small amounts, to almost all the detective agencies of any importance. The munitions companies give valuable discounts to the detective agencies and otherwise seek to establish business relationships with them. The Lake Erie Chemical Co., for example, offered an extra discount to Pinkerton's National Detective Agency, Inc., in St. Louis, Mo., in 1935.160

The significance of the participation of the strikebreaking agencies in the munitioning business has been recently recognized in legislation in the State of New York. The New York "Goldberg Act" of 1938, 170 in regulating the business of detective agencies, makes it unlawful for any licensed detective agency, or its employees, to furnish employers, or their agents, with any arms, munitions, teargas implements, or any other weapons. Under this statute, detective agencies in order to do business, must be licensed. The statute, therefore, should put an end, in New York State, to the activities of detective agencies in the trade of industrial arms.

#### D. ATTITUDE OF MUNITIONS SALES AGENTS TOWARD THE USE OF GAS Weapons.

By definition, the function of policing industrial disputes requires the preservation of an impartial attitude. The foregoing sections of this chapter suggest that industrial munitions are sold in large measure for the purpose of policing industrial disputes. The fact that such munitions are not used in many cases for actual policing but rather for aggressive and partisan purposes, is indicated by the quantity sold directly to employers or through detective agencies. Further indication of the aggressive and partisan use of gas is found in the correspondence of salesmen concerning their sales efforts and their partici-

spondence of salesmen concerning their sales efforts and their particity particity. 2, pp. 382-383, testimony of E. E. MacGuffin.

187 A number of the most notorious detective and strikebreaking agencies appear in the records of the munitions companies as purchasing gas equipment outright.

Three hundred and ninety-four dollars and eighty cents worth of gas equipment was delivered to the Bergoff Detective Agency at Newark, N. J., on October 2, 1924 (pt. 15-D., entibit 3572, p. 6969; list of sales of tear and sickening gas and gas equipment by Federal Laboratories, Inc.).

The Railway Audit & Inspection Co. received several shipments of gas equipment at its Atlanta, Ga., New Orleans, La., and Pittsburgh, Pa., offices, the largest being \$834 on January 29, 1935, at New Orleans and \$234 on March 27, 1924, at Pittsburgh (pt. 15-D., exhibit \$372, pp. 6957, 6963, 6964, and 6965). The Central Industrial Service Co. (R. A. & I. affiliate), received \$353.70 worth of gas equipment on April 26, 1934, and \$360 worth on September 18, 1934, at Pittsburgh, Pa. (pt. 16-D., exhibit 3572, p. 6964).

E. E. MacGuffin, of Youngstown, Ohio, who operated a labor-spy and strikebreaking agency, known as National Corporation Service, Inc., purchased \$103 worth of gas equipment on September 12, 1936, from the Lake Erie Chemical Co.).

Pinkerton's National Detective Agency, Inc., purchased \$213.87 worth of gas equipment on May 2, 1934, through its Cleveland, Ohio, office and \$64.38 worth on May 9, 1935, through its Bt. Louis, Mo., office, both from the Lake Erie Chemical Co. (pt. 2, exhibit 191, p. 570-572).

B. F. Danbaum, head of an Omaha, Nebr., detective agency, purchased \$259.20 worth of gas equipment from the Lake Erie Chemical Co. (pt. 2, exhibit 191, p. 570-572).

B. F. Danbaum, head of an Omaha, Nebr., detective agency, purchased \$259.20 worth of gas equipment from the Lake Erie Chemical Co. (pt. 2, exhibit 191, p. 570-572).

Harry Black, operator of a Pittsburgh, Pa., strikebreaking agency known as the Star Commissary Employment

pation and activities in actual strike situations. These salesmen write to their central offices explaining how munitions are required to "break" strikes, boastfully recounting their activities in gassing strikers.

To say that munitions companies have allied themselves with employers in fighting strikes and that the munitions sales agents frequently use their weapons excessively and aggressively in an effort to sell their products, is not to deny that gas has a legitimate and useful function in the proper policing of riots. Bias in the sale and distribution of gas does, however, suggest the possibility that it may be used to create or aggravate riotous situations or to disperse and interfere with legitimate assemblages. Partisanship is incompatible with proper policing, and the display of a partisan spirit on the part of those who sell and distribute gas weapons, indicates that those weapons may often be sold for those aggressive and disorderly purposes of which they are by their nature so peculiarly capable.

The secretary-treasurer of the Manville Manufacturing Corporation wrote to a salesman on July 12, 1935, describing the use of that

company's equipment as follows:

In regard to your questions, I will try and answer them as follows: Our equipment was used to break up the strike of the Ohio Rubber Company at Willoughby. Ohio, and to break up the strike in the Gear Plant of Toledo, Ohio; was used at the Eaton Axle plant at Cleveland, at the Real Silk Hosiery Company, of Indianapolis, and at a great many smaller places. In each of the above cases the equipment was used by the detective agencies brought in to protect the plant.<sup>171</sup>

This gas manufacturer states bluntly that his equipment was used to "break up strikes." He betrays no recognition of the fact that his

wares should be used only for the proper policing of disorder.

Salesmen are equally outspoken in their description of the use of gas weapons. A salesman for the Lake Eric Chemical Co., in April 1935, was negotiating for the sale of tear gas to a police department in the Northwest, during a strike of oil-tanker workers. Apparently this gas was to be purchased by a local "citizens' committee" and entrusted to the police department. This salesman wrote:

The set-up is just about the same as last year relative to the funds for breaking the strike only the name is changed to the Committee of Five Hundred, all the same Chamber of Commerce.<sup>172</sup>

During the same strike, this salesman further indicated that the partisan use of gas was contemplated when he wrote:

The City is trying to get the Oil Companies to foot the bills as right now it is their fight and from the latest reports I had today they will try to get it settled Monday.<sup>173</sup>

Vice President Bailey H. Barker, of Federal Laboratories, Inc., frankly told that company's agents during the serious steel and coal strikes of the fall of 1933 that the function of tear gas was the breaking

<sup>171</sup> Pt. 2, exhibit 270, p. 655.
172 Pt. 15-D, exhibit 3760, p. 7214. Three days later \$962.42 worth of "funds for breaking the strike" materialized into an order for Lake Erie gas (pt. 2, exhibit 191, p. 575).
173 Pt. 15-D, exhibit 3759, p. 7213.

of strikes. On September 29, 1933, he wrote to all Federal Laboratories' salesmen, as follows:

To those men who are in disturbed areas, the chance of a lifetime is within your grasp. Strikes cannot be broken with one or two grandes, or a 38 shell. It is essential that this idea be put across. Don't pass up this opportunity.

Machine guns have also been sold to break strikes. Federal governmental pressure upon the vendors of machine guns, prior to the passage of the National Firearms Act in 1934, induced them to exercise considerable caution in the sale of such guns during strikes. During the whole period under investigation, Federal Laboratories, Inc., were the sole domestic sales agent for the Thompson submachine gun, which was owned and supplied to them by the Auto-Ordnance Corporation. For the period immediately prior to the passage of the National Firearms Act, Auto-Ordnance Corporation maintained strict supervision over the sale of this gun, requiring Federal Laboratories to sell only to law-enforcement agencies, or to those private corporations or individuals who would not use it in connection with strikes. Affidavits were required from all purchasers, promising not to transfer the guns after purchase without written permission from The attitude of Federal Laboratories toward this Auto-Ordnance. regulation is illustrated in correspondence regarding an order for a Thompson submachine gun for the Rex Coal Co. during an Illinois coal-mine strike in October 1933. Under date of October 7, 1933, this order was mailed to the Federal Laboratories with the following shipping instructions:

The consignee Lindsay is superintendent of the company mine at Harrisburg. He wants the gun shipped to Carmi a small town about twenty miles from the mine as it is impossible for them to get into Harrisburg to pick it up and there might be trouble in transporting it from there to the mine as there is a strike in progress.<sup>175</sup>

Vice President Barker of Federal Laboratories was reluctant to ship the gun direct to the coal company, and on October 11, 1933, wrote to the Rex Coal Co., as follows:

We have been working hard on the question of effecting delivery of the Thompson submachine gun you recently ordered through us. Auto-Ordnance have a fixed rule that they will not ship guns to Corporations where these guns are specifically to be used in the breaking up of strikes. In the past so much furore has been caused the guns have been so used, and the Federal authorities have made so much noise about it that they say they dare not and will not ship for that purpose.

If you want this gun and are willing to have the Sheriff's office of the Police Department in your locality officially order it and they will give us affidavit to the effect that the gun will not be transferred without written permission from the manufacturer, then the gun can be shipped, and if they want to lend you the gun there will be no way, of course, that exception could be taken to such a transaction. 176

On October 13, 1933, Mr. Barker wrote further to the Rex Coal Co.:

Auto Ordnance are refusing to sell commercial companies, and I may say, especially coal companies, the Thompson submachine gun, 177

<sup>174</sup> Pt. 15-D, exhibit 3644, p. 7049. Federal Laboratories' salesman Joseph M. Roush, in a letter to Mr. Barker, dated January 26, 1934, said that "Federal Laboratories should take credit for putting an end" to the Imperial Valley, Calif., strike, in which he received his "baptism of fire." (See pt. 15-D, exhibit 3634, p. 7042.)

p. 7042.)
176 Pt. 15-D, exhibit 3584, p. 7005, a letter from R. P. Kelley to Federal Laboratories, Inc., dated October 7, 1938.

<sup>7, 1933.

10</sup> Pt. 15-D, exhibit 3585, p. 7005, a letter from B. H. Barker to the Rex Coal Co., dated October 11, 1933.

10 Pt. 15-D, exhibit 3586, p. 7006, a letter from B. H. Barker to J. R. Fenton, dated October 13, 1933.

and went on to point out in detail how the coal company could secure the gun, contrary to the wishes of Auto Ordnance:

There is only one "out" to this thing I can see, and that is for the sheriff to order the gun on his official order forms, and have the county sign to the effect that the gun will not be transferred without permission of the manufacturer. If this is done, then we can and will be in a position to make shipment, and if for specific purposes the county want to loan the gun to you, that, of course, would be a deal between you and the County, and we would have no chance to counsel with you on it.<sup>176</sup>

Apparently this suggestion was followed, for Federal Laboratories received the following letter, dated October 24, 1933, from its agent:

After all our trouble about the Rex Coal Co. order for Machine Gun which the Auto Ordinance refused to ship Mr. Fenton informed me today that the Sheriff of Saline county has forwarded the order and that the coal Co. are going to pay for it through the county.179

This incident indicates not only that the munitions company was aware of the nature of the sale it was making, but also that it actively encouraged this sale in violation of an established public policy.

Even after the National Fire Arms Act was passed, Federal Laboratories, Inc., urged the purchase of submachine guns through the intermediary of local law-enforcement officials. The four submachine guns which were purchased by the West Point Manufacturing Co., of Georgia, during the general textile strike in September 1934, placed in the hands of professional strikeguards, and by them used to intimidate and terrorize all the communities in which the company had textile mills, were sold, through the complaisance of the local chief of police, in violation of that provision of the National Fire Arms Act which places a tax of \$200 on the transfer of a machine gun to any person, firm, or corporation other than a law-enforcement agency or officer. In the face of the impending textile strike, officers of the West Point Manufacturing Co. conferred by telephone with the local representative of the Railway Audit & Inspection Co., in Atlanta, Ga., concerning the purchase of machine guns and the employment of professional strikeguards. The representative of Railway Audit & Inspection was G. Eugene Ivey. At the time, the Atlanta office of Railway Audit & Inspection was acting as sales agent for Federal Laboratories, Inc. Mr. Ivey advised the officials of the company that the desired submachine guns could be purchased through a police officer, and that "quick delivery" could be The local chief of police sent the order for the guns, and immediately after receiving them, turned them over to the assistant superintendent of a mill belonging to the West Point Manufacturing Co., clearly in violation of the act. The whole story is spread upon the records of the Bureau of Internal Revenue of the Treasury Department, which made a thorough investigation of the offense. guns were later confiscated by the Treasury.180 In this case, the agent of the munitions firm clearly knew that the guns were to be purchased by the employer and that they were to be used during a strike threat. The agent, further, knew of the character of the men who were to use the guns. The guns were ultimately used in an aggressive and intimidatory fashion. 181

<sup>176</sup> Ibid.
179 Pt. 15-D, exhibit 3587, p. 7007, a letter from George W. Greig to Harry Rad; Federal Laboratories, treasurer, dated October 24, 1933.
180 Pt. 7, p. 2484 ff; ibid p. 2685; ibid, exhibit 898, p. 2687; pt. 1, exhibit 68, p. 271.
181 See S. Rept. No. 6, Strikebreaking Services, pp. 41 ff.

The activities of the munitions salesment in strikes are an index of their attitude toward gas and its purposes. As part of their sales campaign, gas salesmen frequently demonstrate their wares before law-enforcement officers or company guards or drill and train law officers and company policemen in their use. In time of strike, the opportunities for demonstration of their products become much more attractive. In demonstrations in time of industrial peace, the agent or the munitions company must foot the bill. When the salesman uses gas during a strike, he is generally able to secure reimbursement by the employer or law-enforcement agency involved. In many cases he is called upon to use material that has already been purchased. Under such circumstances, gas salesmen who participate with police officers or company guards in the discharge of gas make a commission of from \$3 to \$3.50 on every \$10 grenade thrown. Their enthusiasm for the use of gas under these conditions can well be imagined.

Examples of the participation of sales agents in strikes are frequent. George F. "Jimmy" Cake, salesman for Federal Laboratories, made himself a well-known figure during the riotous strike at Salinas, Calif., in September 1936, where he was "in the vanguard of all the gas attacks." 1826 A committee investigating that strike reported later to the Citizens Welfare League of Salinas in part as follows:

Your committee has found that the officers of the Salinas Police Department along with the plain clothes man who we have been informed was the demonstrator from the gas factory, were the ones who were doing the shooting on Pajaro Street and that on two occasions they were requested by fellow officers not to gas the Labor Temple and the people there.

A representative of Federal Laboratories, named E. E. Richardson, during the Electric Auto-Lite Co. strike in Toledo in 1934, participated in the rioting by throwing gas grenades out of the plant windows

at the striking automobile workers.184

I. H. McCarty, Lake Erie Chemical Co., salesman, in California, displayed, throughout his lengthy correspondence with the company an enjoyment of violent situations and enthusiasm for susing its products in the most brutal and aggressive fashion. On October 29, 1933, he reported to A. S. Ailes that he was ready to assist in breaking a prospective fruit-pickers' strike. His eagerness to fight the strikers with sickening gas is seen in this statement:

They have agreed that if this strike is started by the Communists, we will be allowed to settle it quickly with K. O. (sickening gas) candles. 185

Further in the same letter, Mr. McCarty gloated over the prospects of gassing relief demonstrators:

Tomorrow we are to have a Communist hunger march here and gas will be on hand both by the police and by me. I am anxious for an opportunity to demonstrate the use of our clubs and baby giants.186

Preparations for more fun were described in Mr. McCarty's report to Mr. Ailes, dated January 26, 1935:

Now the contemplated Communists riots and marches have been postponed until March 10th which General Mittelstaedt (Adjutant General of the Cali-

<sup>102</sup> See pt. 27, pp. 11289 ff, testimony of J. J. Baxter; pt. 15-D, exhibit 3646, p. 7050; and pt. 7, exhibit 890, p. 2680.

1918 See pt. 7, exhibit 865, p. 2457, an article from the San Francisco Chronicle, September 26, 1936.

181 Pt. 7, exhibit 867, p. 2458.

181 Pt. 15-D, exhibit 3633-A, pp. 7040-7041.

183 Pt. 15-D, exhibit 3766, p. 7219.

184 Ibid.

fornia National Guard) is pleased about as it will give us an opportunity to get the men trained. The General has promised me a position in the front ranks of the attacking army so that in the event the boys get tough we have a good time.<sup>187</sup>

In such private correspondence between salesman and munitions dealer there is no pretense that the gas is to preserve law and order. For days during the 1934 longshore and maritime strike in San Francisco the representatives of both Lake Erie and Federal Laboratories were on the battle front leading and directing squads of police in gassing crowds of strikers. Between them I. H. McCarty, of Lake Erie, and Joseph M. Roush, of Federal, delivered between \$20,000 and \$25,000 worth of gas to the San Francisco police. None of this was paid for by the city, all of it coming out of the funds of employers and employers' associations directly affected by the strike. 188 Mc-Carty and Roush both described their activities during the rioting in detail in their correspondence with their home offices. Mr. Roush described his part in the strike as follows:

I then started in with long-range shells and believe me they solved the problem. From then on each riot was a victory for us. During the middle of the day we gathered in all available riot guns that I had and long-range shells and proceeded to stop every riot as it started \* \* \*.189

On the next day, July 5, 1934—which was to become known in San Francisco as Bloody Thursday—Roush scored a direct hit. In his own words:

I might mention that during one of the riots I shot a long-range projectile into a group, a shell hitting one man and causing a fracture of the skull, from which he has since died. As he was a Communist, I have no feeling in the matter and I am sorry that I did not get more. 190

One might wonder whether this event would draw a mild caution from Mr. Roush's employers to be more careful in the future. Vice President Barker answered Mr. Roush on July 27:

I have just read your five-page report regarding which I wired you yesterday. The report is splendid and we think enough of it to excerpt a large portion of it to send out to the men, so you will be well known when you come in September 1st.191

This praise was echoed by the president of Federal Laboratories in a general letter to all agents. \_Shortly after the water-front strike ended, Mr. Young wrote:

We expect that this summer will see a continuation of labor unrest, and you have a real service to offer the police departments in assisting them to handle their particular problem in a humane way. I want to especially compliment Baxter, Roush, Baum, Greig, Fisher, Richardson, and those boys who have given their personal services to direct the activities of the police in the use of this equipment during times of emergency. 192

This high praise from the sales manager and president of Federal Laboratories for the agent who expressed regret that he had killed only one Communist, amounted to orders to "shoot to kill." Three

<sup>167</sup> Pt. 15-D, exhibit 3771, p. 7227, 188 See ch. VI, pp. 141-144, 189 Pt. 7, exhibit 921, pp. 2724-2725, 189 Ibid., p. 2726, 191 Pt. 7, exhibit 922, pp. 2504-2505, 489 Pt. 7, exhibit 917, p. 2801.

years after Roush's report of killing a man, Messrs. Young and Barker testified that they had taken no steps to investigate the fatality. 198

Neither in their statements nor their conduct do these agents display any understanding of the function of policing or of the even-handed administration of law and order. In their own accounts they stand nakedly revealed as partisans of the employer. They talk of being in the ranks of "attacking armies" and of "demonstrating" on hunger marchers. This is the way gas is sold. Restraint in its use, or careful policing, restricts the volume of sales. Like the detective agency, the munitions firms have a financial interest in violence. The nature of gas, because its effects are not permanent, encourages its partisan and aggressive use.

I'm Investigation by the committee disclosed that the man struck by Mr. Roush's shell did not discathough he suffered a fractured skull and permanent injuries (see pt. 7, pp. 2507-2508, and pt. 15-D, exhibit \$709, p. 7101, an affidavit by James A. Engle, the injured man. He stated that there was no disorder or rioting at the time or in the vicinity when he was shot. For further discussion of the incident, see ch. VII., pp. 161-162.

# CHAPTER V. PRIVATE USE OF MUNITIONS IN LABOR DISPUTES

The committee's record contains full and comprehensive data concerning several instances of the use of industrial munitions by private police acting directly under the supervision of corporation management, by professional strikeguards recruited and directed by detective agencies, by specially deputized agents of employers affected by strikes, and by regularly constituted law-enforcement agencies. In addition, the committee investigated occasions where singly, or in numbers, strikers or their sympathizers have taken up firearms in retaliation against armed force which was displayed or used against them.

In this chapter we discuss the use of industrial munitions by employers and their agents and the taking up of firearms by strikers or their sympathizers or other parties affected by strikes. The committee confines itself here to these subjects because of its feeling that the power of coercion, which accompanies the possession and use of firearms and other munitions in situations involving the policing of peaceful communities, should be reserved solely to public authority. This, of course, does not imply that gas munitions and firearms cannot be misused by public authority in the policing of industrial

disputes.

The committee's record has ample evidence of the biased and partisan use of munitions by police officers. Nevertheless, such improper official use of weapons differs fundamentally from the abuse of weapons by private parties to a dispute. Only where the committee has made a comprehensive study of strike situations in their respective community settings, as in the "Little Steel" hearings, does it feel capable of assessing the conduct of local authority. The abuse of force by either party to an industrial dispute, on the other hand, is patent. Except in some situations, which are touched on in the succeeding chapter concerning private payment for public weapons, the factors corrupting or influencing local authority have little to do with the subject of munitions, and detailed discussions of such situations are therefore beyond the scope of this report.

# SECTION 1. USE OF MUNITIONS BY PRIVATE POLICE AND GUARDS

A considerable portion of the committee's investigation was concerned with the business of supplying strikebreaking services to employers by detective agencies, the activities of professional strikeguards, and of regularly employed private policemen.2 Three in-

In the committee's forthcoming report on the "Little Steel" strike, detailed consideration will be given to the use, by law-enforcement agencies, of munitions in riots during the strike in the cities of Youngstown and Massillon, Ohio.

For a discussion of the business of supplying strikebreaking services and the activities of professional strikeguards, see S. Rept. No. 6, 76th Cong., 1st sees., Strikebreaking Services. For a discussion of the role of private police in labor relations and strikes, see S. Rept. No. 6, pt. 2, 76th Cong., 1st sees., Private Police Systems.

stances of the use of munitions by private police and professional strikeguards, which may be considered typical of the activities of such agents of employers, will be discussed in this chapter. While the three companies involved—the Berger Manufacturing Co., Republic Steel Corporation subsidiary, in Canton, Ohio, the Ohio Rubber Co., of Willoughby, Ohio, and the Black & Decker Electric Co., of Kent, Ohio—are all located within a comparatively short distance of each other, they represent three different industries ranging in number of employees from a few hundred to thousands, and they aptly illustrate the activities of both types of armed forces employed by companies on strike, the private police force and the corps of professional strikeguards.

It is important to note that the employers involved in all the three episodes discussed below, were, at the time of such episodes, opposed to the principle of collective bargaining with outside unions. In each of the incidents, gas weapons were used by agents of the employer in public streets or places, not in defense of plant property, but for the purpose of dispersing or intimidating strikers or pickets. As has been pointed out in chapter IV, munitions companies sell and employers tend to buy gas with such aggressive uses primarily in mind. These incidents may, therefore, serve as types of the aggressive use of gas by

employers opposed to the principle of union recognition.

The committee is of the belief that such aggressive use of gas or other industrial munitions by partisans of the employer will almost invariably result in the disorders and the state of conflict described in this chapter. In the policing of industrial disputes, it is of first importance that the body exercising coercive force be an impartial public authority. The use of public weapons by employers off their own plant premises is a violation of this canon. Such weapons should be restricted to the hands of public officials.

# A. STRIKE AT THE BERGER MANUFACTURING CO. PLANT OF REPUBLIC STEEL CORPORATION IN CANTON, OHIO, MAY 1935.

The Republic Steel Corporation was confronted in May 1935 with a demand for collective bargaining and recognition made by a Federal local of the American Federation of Labor, organized among the 450 employees of the Berger Manufacturing Co., a subsidiary located in Canton, Ohio, and engaged in the production of steel office equipment. The Federal local, known as the Loyalty Lodge, claimed 300 members in the plant and was certified by the National Labor Relations Board, acting pursuant to Public Resolution 44 under section 7 (a) of the National Industrial Recovery Act, as the exclusive bargaining agency for the Berger employees. The National Labor Relations Board directed the company to deal with the union. Shortly after the Board's order, the corporation, on May 8, 1935, obtained a court order restraining its enforcement.

On May 9, 1935, the company mobilized members of its police department from other districts and brought them to Canton, Ohio. According to the testimony of police officials of the company, these policemen from other divisions of the corporation were brought to

For a discussion of the role of private police in this strike, see S. Rept. No. 6, pt. 2, 76th Cong. 1st sees., Private Police Systems, pp. 126 ff.

Canton in anticipation of a strike. By May 15 the strike had not

materialized and the men were sent back to their posts.4

The union finally voted a strike, to begin on May 27. Prior to May 27, the company ordered \$8,804.30 worth of tear gas and teargas guns from Federal Laboratories, Inc. This material was shipped on the morning of the strike. This shipment included 12 gas guns, 446 long-range gas shells, and 381 gas grenades. The company also had on hand and available for use munitions purchased in anticipation of a strike in 1934. James L. Williams, superintendent of police for Republic Steel Corporation, was asked the reason for the additional purchase of over \$8,000 worth of gas in 1935. He replied:

Well, we have an investment over there, Senator, as you probably know, of so many million dollars, so much acreage, power plants, substations, and all that sort of thing; and in the event that some of the things that these outside organizations had been resorting to all over the country materialized, the most humane way of handling it was to resort to gas.7

This answer was the customary justification of property protection offered as a matter of course by officials of the Republic Steel Corporation in explaining their purchases of munitions.<sup>8</sup> It was belied

by the use which was made of the gas in the strike.

On May 26, after it was known that the strike would take place, and after repeated attempts of the union to negotiate with the company had failed, the corporation again mobilized its police reserves, sending 14 men from Buffalo, 19 from Youngstown, 1 from Chicago, 25 from Massillon, and 21 from Warren. In addition the company armored a truck in the plant, and had iron pipe cut into lengths for clubs. 10 These preparations did not pass unobserved by Republic Steel employees in Canton. In particular the armoring of the truck and the manufacture of the steel pipes into clubs for the police force created excitement and fear. This reaction was not confined to the employees of the Berger plant, but extended to employees of the Alloy Plant, who had, at that time, no intention of going on strike. ing to the testimony of Guy L. Sweany, who was employed in the Alloy Plant in Canton and who was financial secretary of a lodge of the Amalgamated Association in that division, the members of his organization were led to strike because of these preparations on the part of the company. Referring to his local he stated:

This organization had requested recognition from the management but we had agreed not to force the issue at the time, and everything seemed to be going along all right. They could have dealt with this organization without formal recognition, but when they proceeded to arm cars and cut pipes preparatory to use in this strike, this aggravated the men and they said, "Well, if it is a strike they want, we will have to do it sooner or later anyhow, they are going to force the issue, and we might as well join with Berger when they go on strike." This was the talk in the plant prior to Berger going on strike.11

<sup>Pt. 23, pp. 9783-9786, testimony of Joseph F. Gilroy, captain of police for Republic Steel Corporation, in Canton, Ohio; and James L. Williams, superintendent of police for Republic Steel Corporation. See also S. Rept. No. 6, pt. 2, p. 127.
Pt. 23, p. 9787, testimony of James L. Williams.
Pt. 23, exhibit 4320, p. 9968. Federal Laboratories invoice.
Pt. 23, p. 9787.
See also pt. 23, p. 9762, testimony of Charles M. White, and exhibits 4306 and 4307, pp. 9898-9899. See also pt. 23, p. 9788, testimony of Joseph F. Gilroy.
Pt. 23, exhibit 4323, p. 9971.
Pt. 23, exhibit 4323, p. 9971.
Pt. 23, p. 9789, testimony of Joseph F. Gilroy; pt. 24, p. 10078, testimony of Guy L. Sweany, Republic Steel Corporation employee.
Pt. 24, p. 10078.</sup> 

The first use of the company's arms was made early in the morning of May 27. Picketing had been in effect since the evening of May 26. and continued peacefully until a group of company guards armed. both with wooden billy clubs and iron clubs with taped handles, appeared at the main gate of the Berger plant. With them was Charles M. White, vice president in charge of operations for the Republic Steel Corporation. Mr. White urged the men on the picket line to come in to work. According to several witnesses he also indulged in provocative remarks addressed to the picket leaders, although he explained his presence among the pickets solely as an attempt to persuade the workers to go back to work.12

An altercation ensued in which Mr. White was struck by a member of the union, and the company police attacked some of the union men. One person, William Demos, a union man, was severely injured by being struck twice over the head with one of the iron clubs, by a company policeman named Keefer,13 and suffered lacerations of the scalp.14 Up until this incident, and even thereafter, men continued to enter the plant through the picket line without molestation. This fact is confirmed also by affidavits made subsequent to the hearings by company employees who were suggested by counsel for Repub-

lic as important witnesses.16

Soon thereafter armored trucks began to make repeated trips in and out of the plant going through the picket line on each trip. These trucks rushed through the picket line without slowing up, sometimes narrowly missing the pickets. Several armed guards were in the cabs. 16 When strikers followed one of these trucks to see what was the purpose of their trips to and from the plant, they discovered that it stopped at a deserted spot about 2 miles outside the town, whereupon the strikers ceased following the truck.17 Witnesses felt that the purpose of these trips was to provoke the strikers by conveying the impression that strikebreakers were being transported into the plant.

This first altercation and the activity of the trucks changed the attitude of the picket line. At 3:30 p. m. trucks and cars, occupied by workers and armed guards leaving the plant, met with stones thrown by the crowd of pickets and bystanders. There were no city police in the area at that time. Apprehensive of what might happen, the president of the union and the union attorney went to the mayor's office and asked for police protection for the pickets.18 The mayor

took the matter under consideration.

Toward 5 o'clock in the afternoon the company guards went to work with their munitions in earnest. An armored truck emerged from the plant gate, was met by a volley of stones, drove about 200 yards down the street, and stopped. The back of the truck was opened and a group of guards emerged armed with revolvers, shotguns, tear-gas guns, and lengths of pipe. Simultaneously other

<sup>11</sup> Pt. 23, pp., 9802 ff, testimony of Oliver Wynkoop, Henry F. Kauffman, Paul L. Hamilton, and Darrell Smith; ibid pp. 9816-9817, testimony of Charles M. White.

11 Pt. 23, p. 9810. This name is also spelled "Kiefer."

12 Testimony of Henry F. Kauffman, pt. 23, p. 9810; and pt. 23, exhibit 4328, p. 9973.

13 For a discussion of these affidavits, see S. Rept. No. 6, pt. 2, Private Police Systems, appendix A, pp. 210-231.

<sup>219-231.</sup> 16 Testimony of Darrell Smith, pt. 23, p. 9812.

<sup>18</sup> Testimony of Lester P. Rice, president of the union, pt. 24, p. 9987.

guards, similarly armed, sortied from the plant gate. A crowd including the pickets, sympathizers, bystanders, women, and school children was trapped between the two groups of guards. At the same time guards on the roof of the Berger Manufacturing Co. plant began to shoot tear gas into the crowd. The guards in the street opened fire not only with tear gas but also with shotguns. They also drove the crowd before them with iron pipes and bars. The owner of a restaurant in the area sought to provide protection for the group of school children who were on their way home from school when the affray started. He took them into his restaurant, but this protection was of no avail, for the guards discharged a number of tear-gas projectiles through the plate-glass window of the restaurant.19 The results of this onslaught were horrible. Beside all who were acutely affected by the gas discharged, 14 strikers and bystanders went to the hospital with broken bones—injuries to arms, legs, jaws, and skulls or gunshot wounds. One, Herbert F. Blazer, received the full discharge of a shotgun fired point-blank at his back. One witness thought it was "the bloodiest scene possible, at least in peacetime".20

The munitions used and the purpose were described by one of the

guards using them, a Republic policeman:

Senator LA FOLLETTE. What did you do in the Berger strike, if anything? What were your duties?

Mr. Moore. Our bunch broke the picket line.

Senator La Follette. How did they break the picket line?
Mr. Moore. With gas bombs and gas guns and clubs.
Senator La Follette. How did they go about doing that?
Mr. Moore. They rode us up in an armored truck and drove us out in the

street about two blocks, and we unloaded and came back after them.

Senator LA FOLLETTE. What did you do, if anything, so far as the pickets were concerned?

Mr. Moore. Well, as soon as we got out of the automobile we started to open up with these guns, gas guns, long-range guns, and threw gas bombs and used revolvers, gas guns, short revolver gas guns, and steel pipe.

Senator LA FOLLETTE. How were you armed?

Mr. Moore. How was I armed? Senator La Follette. Yes.

Mr. Moorn. I had a steel pipe, gas gun, revolver, and some gas bombs.

Senator LA FOLLETTE. Was there any comment made by anybody connected with the officials on the activity of these 40 guards who went out with you in this armored truck?

Mr. Moore. Chief Williams. 21
Senator La Follette. What did he say?

Mr. Moore. Good job.22

The only possible motive for this extraordinary attack on an unarmed crowd, beyond the purpose of sheer terrorization, was the clearing of the street in front of the plant. Whether such a motive was justified or not, the clearing of the street should have been carried out only by duly authorized public policemen. That the company did not call

<sup>18</sup> Pt. 24, pp. 9991-10005, testimony of Darrell Smith, Herbert F. Blazer, Charles Minor, and George Pelay, owner of the restaurant.

18 Pt. 24, p. 9992 testimony of Darrell Smith. See also pt. 24, exhibits 4332-4335, pp. 10173 ff., hospital records of injuries incurred during this incident.

18 James L. Williams, Supt. of police, Republic Steel Corporation.

19 Pt. 34, testimony of Frank Moore.

upon the local authorities for such action is evidence that such purpose was not the dominating factor in its action. Preparations for such an attack had been made long before it occurred. There was no hint of improvisation in the measures taken. The attack could not have been effectuated if the corporation had not been prepared with munitions for its policemen. Munitions were the key to this day's violation of civil rights.28

On the night of May 27, excited and aroused by the incidents of the afternoon, the Amalgamated lodge in the Alloy Plant went out on strike and established a picket line at other gates to the corporation's plants. This picket line appears to have been disorderly, in contrast to the original picket line at the Berger plant before the com-

pany guards had resorted to the use of force.

Trucks and cars occupied by Republic policemen continued their The town was plunged into a state of terror and disorder. In a raid during the morning of May 28, at a point half a mile from the gate, guards fired 25 buckshot into the legs of a pregnant young woman, Mrs. Mary Reed, who was trying to escape their fusilade The diagnosis of the hospital, where she remained 3 weeks, was that she had been shot twice, the second time on the ground after the first charge had knocked her down.24 Vice President White was asked:

Senator LA FOLLETTE. Do you think the shooting of Mrs. Reed at this great distance from any of the properties of the Berger plant or the Republic Steel Corporation was necessary in order to protect either the lives of the employees or the property of the Republic Steel Corporation? 25

Mr. White expressed doubts that "any employee of Republic" had done the shooting but had no doubts that Republic had paid Mrs.

Reed \$7,500 damages.

The district around the plant was periodically drenched with tear gas day and night. A man in ill health, at his own home, was struck by a gas shell, gassed, and later died. Firemen responding to a call near the plant had to don gas masks. A fair statement of what citizens endured is contained in the affidavit of Martha George:

On or about the twenty-eighth of May 1935, at approximately 11 p. m., I was on the second floor of my house, which is about 100 yards southwest of the fence. surrounding the Alloy Division of the Republic Steel Corporation, when some of of the people in the street called out, "The truck is coming." I knew what they meant because twice during the day trucks and cars loaded with armed men shot tear gas at the crowd out in the street.
ht away \* \* \*. Just then a truck came had driven by the house, I put my 3-year-old-baby to bed right away \* \* \*. Just then a truck came up to the corner by the house. \* \* \* I heard some shooting from the truck and tear gas shells exploded all around the house.

My 66-year-old father-in-law, George Milhem, who was sitting on the porch steps below me, cried out after the volley of shells, "Help I got killed!" I saw one of the shells smoking near him. He tried to stand up and run away. He could not. He fell on the sidewalk and many people, blinded by the gas, trampled on him in the stampede to get away. There were about 500 people in the street. I yelled to them to help him, but they could not see. I did not dare go myself because my seven children inside were crying from fear.

He had been struck in the left temple by a tear-gas shell. After 10 days we moved him to Mercy Hospital, where he died 4 days later. The family doctor,

Discussion of the justification given by Charles M. White, vice president in charge of operations for the corporation, of this incident may be seen in S. Rept. No. 6, pt. 2, Private Police Systems, pp. 134-135. As pointed out, Mr. White's version of the incident, which he did not witness, was based on hearsay and does not coincide with the facts of the case.

Pt. 24, pp. 10024-10025. The chief deputy sheriff of Stark County, Ohio, testified that deputy sheriffs patrolling the road beside Republic Steel Corporation's property saw 2 cars come from the scene of the shooting of Mrs. Reed and enter a plant gate (pt. 24, p. 10050, testimony of Richard R. France).

Pt. 24, pp. 10043-10044.

Dr. Thomas H. Shorb, told me that death was due to a combination of the wound. the gassing and shock.

In payment for my father-in-law's death, I, as administratrix of his estate, received from the Republic Steel Corporation the sum of eleven hundred dollars.

I distributed this to other members of his family.

In addition to this sum, the Republic Steel Corporation paid to my husband, Charles George, and to my brother-in-law, Philip George, a total of \$4,000 for damage done by tear gas and bullets to their garage at Eighth Street and Belden Avenue and their restaurant across the street and for injuries resulting from the gassing of members of both families. Practically all of us, including the 16 children in both families, were sick in bed from the gas. Trucks and cars went by four or five times on May 28 and 29, 1935, firing not only tear gas but bullets. Every window in the garage was broken and bullets went through one of the windows in the restaurant.26

Wednesday the raids to clear out the street continued. A picket had his jaws broken by a gas projectile. It was the testimony of reporters and other detached observers that the principal disturbances were those created by the guards driving around in cars "with their guns sticking out and firing in all directions."27 The committee obtained a photograph of one of the guards' cars doing just that. news photographer who was on the scene when Charles Minor was shot with a gas projectile, snapped two photographs which vividly illustrate the depredations of the Republic police. The photograph reproduced below in appendix H 28 was taken from a window overlooking the route of the cars full of police on their way back to the Berger plant. It shows a gas projectile being shot from the car window at almost the same moment Charles Minor was shot with one from the The photograph in appendix I 29 was taken of other side of the car. Charles Minor a few moments later.

Two Canton city policemen, order ? to stop the gas throwing, summoned the armored truck to halt and their order was met with a gas bomb thrown at their feet. 30 Their pistol shots failed to halt the truck. City authorities threatened to stop the Republic police raids with machine guns if necessary. One car was stopped and four Republic policemen were arrested by the sheriff's force. They were well munitioned. Besides the three revolvers and two blackjacks in their pockets, their car contained items which were examined by Chief Deputy Sheriff France.

Senator LA FOLLETTE. Mr. France, you described the arsenal that was in these cars. Was that taken to the sheriff's office?

Mr. France. Yes sir; we had 2 Federal gas guns; 24 gas gun projectiles; 15 gas grenades; 1 piece of iron pipe and 1 iron rod. The pipe and rod had grips taped on them.

A photograph of this traveling arsenal was taken in the sheriff's office and is reproduced in appendix G of this report.<sup>32</sup> The arsenal in this car represented equipment for use in the city streets. A glimpse of the

<sup>\*\*</sup> Pt. 24, pp. 10040-10041.

\*\*\* Pt. 24, p. 10031, testimony of Julius L. Greenfield, photographer for the Akron, Ohio, Times-Press, who took the photographs reproduced in appendix H and appendix I.

\*\*\* See facing p. 222.

\*\*\* Charles Minor was struck full in the mouth by a long-range gas projectile shot from a car by Republic guards 1 block from the Berger plant on Wednesday, May 29. See pt. 24, pp. 10031-10040, 10046-10047, testimony of Mr. Minor, Julius L. Greenfield, Wilbur Parsons, Samuel W. Marconi, and James L. Williams This injury is described in ch. II, pp. 32-33. The photograph of Charles Minor appears focing p. 222.

\*\*\* Pt. 24, pp. 10037 ff.

\*\*\* It 24, p. 10050.

\*\*\* See facing p. 222. The photograph is exhibit 4356, facing p. 10206 in pt. 24.

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plant arsenal was obtained by Deputy Sheriff Walter Paul Koellner, who entered the plant to inspect the situation as a precautionary measure. Koellner was an experienced police officer, former member of the United States Marine Corps, former Republic Steel employee in Canton, and former president of a local of the Amalgamated Association of Iron, Steel & Tin Workers there. He entered the plant main gate.

Mr. KOELLNER. \* \* \* As I was going across the street, immediately to the entrance, there was a man who pointed a weapon out the window of the time office, in my direction, and as he did I heard another man in back of him say, "My God, don't shoot; that is an officer."

Senator LA FOLLETTE. Were you able to see the weapon?

Mr. KOELLNER. I was, after I entered inside the office \* \* \* There were two company police officers if I recollect correctly, and there were three of four men that I had never seen before. One of these men came to the entrance of the time office, it is just a narrow entrance, to get through between the racks where the time cards are, and the time office, as I went through there he came on out and pushed a gun into my stomach and asked me what—asked me where the hell I thought I was going.

Senator LA FOLLETTE. What kind of a gun was it?

Mr. Koellner. A Thompson-Colt submachine gun, .45 caliber.

Senator La Follette. Did you proceed?

Mr. Koellner, I did.

Senator La Follette. And did you observe anything there?

Mr. Koellner. I did, I saw case upon case of different things labeled tomatoes and canned corn, and one thing or another, and one of the tops of the cases labeled "Tomatoes" was pried off, and it contained these same types of projectiles as you see there in reference to that picture, tear gas (referring to exhibit 4356). The top of the cases were labeled "Tomatoes." Senator La Follette. How many cases approximately would you say were

there?

Mr. Koellner. Oh, there were four or five in evidence.

Senator La Follette. Did you see any other arms or ammunition while you

Mr. KOELLNER. A number of sawed-off shotguns-of course, the men were carrying pistols as they have in the past; they carry a pistol in a Sam Browne belt, and there were, oh, a half dozen shotguns, sawed-off shotguns in evidence, and I saw another submachine gun as I went on down there, carried by a man going down into the Berger plant of the metal furniture department.

Senator La Follette. And then did you leave the plant? Mr. KOELLNER. Yes.

Senator LA FOLLETTE. Were you in the vicinity of the plant at any other time

during the strike after that?

Mr. Koellner. Yes, the following morning I was delegated to take a position of patrol at the blast-furnace gate and patrol between there and the main office. \* I went through the blast-furnace gate one day to make some inquiries and the guard at that particular position, at the blast-furnace gate, put me out from the office and told me to get the hell off of the grounds of the Republic Steel Co. and stay off, and I asked him-

Senator La Follette (interposing). Were you in uniform?

Mr. KOELLNER. I was in uniform. I asked him if it wasn't true that they had requested the police to come out there, and we were attempting to cooperate with them and keep down violence on one side as well as on the other, and he told me that he wanted no part of me and that I could get off the grounds and stay off, and that he had particular orders concerning myself.33

The efforts of local authorities to stop the depredations of the guards resulted in angry recriminations exchanged with Vice President White and his lawyers. City Solicitor Rodgers and Sheriff Nist of Stark County told Mr. White-that his guards "sallying out of the plant"

<sup>#</sup> Pt. 24, pp. 10056-10057, Koellner.

were the cause of the riot. White demanded "policemen to take these men home," which the local officials objected to as "scattering the strike all over town." White replied "if we don't get some protection we will do as we did yesterday." Rodgers replied "No, you won't," and warned that city policemen might meet Republic guards "with machine guns." 34

Sheriff Nist, who had refused Republic's request on May 8 to deputize a long list of Republic's employees, quoted White as declaring, "I have broken strikes before and by God I will break this one." 35

White denied this before the committee.

The community's reaction was such that a change was made to fit Public opinion was not entirely placated by the following denial appearing in the local newspaper:

"I can say positively that there was not a shotgun in the possession of any member of our force at the time this outbreak began nor at any time during the trouble," declared Charles M. White, assistant vice president of the Republic Steel Corporation. "At a time like this when confusion blocks reason and memory, I think it is distinctly unfair to accuse company employees of the shooting or of beating people with gas pipes and that sort of thing." 36

After the third day of the strike Republic made a swift turnabout. The guards were confined to the plant. An election was held under the sponsorship of city officials, in which all the employees of the corporation were eligible to vote, except those in the Berger plant. The supervisors of the election, who did not include organized union representatives, announced an overwhelming result for returning to work. The police restricted the picketing of the Berger employees, and the strike ended.

The number and value of the damage claims paid by the corporation at the conclusion of the strikes are indications of the effectiveness of the arms and munitions. Altogether the corporation settled damage claims for injuries to persons and property with 110 citizens of Canton at a total cost of over \$46,000. Such was the effect of using plant munitions allegedly bought for the protection, to quote Mr. Williams, \* \* \* of so many millions, so much acreage, of "an investment power plants and substations, and all that sort of thing." No suggestion was ever made that the aggressive use of plant munitions in the street was in support or aid of the local law-enforcement officials. On the contrary, every effort was made by the city government to put a stop to the excursions of the company guards and the sheriff's force arrested four of them.

Vice President Charles M. White sought to justify the conduct of the Corporation's guards by impugning the integrity of the local lawenforcement officials. Ultimately his defense of the Corporation's conduct rested on the customary last refuge of patriotism. testimony was as follows:

I had an obligation; I had committed myself to getting our men safely back and forth to their homes. I felt that that was a job for the officers of the law to see that men should get safely back and forth to their homes. It didn't seem to me as though that were an unusual request.

<sup>\*\*</sup> Pt. 24, p. 10018, testimony of Bernard Rodgers.

\*\* Pt. 24, p. 10021.

\*\* Pt. 24, exhibit 4372, p. 10139, from an extra edition of the Canton Repository of May 27, 1935, under the headline, "Score Hurt Near Berger Plant—Company Police Use Chibs, Guns." See also testimony of Roy D: Moore, general manager of the company publishing the Repository, pp. 10136 ff, regarding efforts of Charles M. White, Republic vice president, to prevent publication of this extra edition.

Now, my great story is that the men should have the right, peacefully, to go back and forth from their place of employment; that I don't see why there is a breakdown of law and order in so many communities where this trouble occurs. And, Senator, I believe that the keynote of this whole situation is that when a strike occurs today it is immediately interpreted as some sort of a political strike and because there are a lot of votes involved that the men in office can't make up their minds whether they should be on the side of law and order or whether there And that is the thing that occurs are more votes on the side of mob rule. all over the country, and I don't see how we are going to ever do the right thing by the workmen of this country until he has the right to go back and forth to his work whether he wears a C. I. O. button or a K. of C. button, or a Masonic emblem or the mailed fist of the swastika—I think that every man has the right to go to work; the American flag ought to be good enough for any man; it is good enough for me.

Senator LA FOLLETTE. I am glad to hear that. [Laughter.]

Mr. White. I don't know anyone, Senator, while we are talking along that line, that has done more to uphold the traditions of the American Flag than the Republic Steel Corporation, and I challenge any statement to the contrary."

Nevertheless, Mr. White added that subsequent to the strike of 1935, the company had adopted the policy of confining those armed guards to its plant properties:

Mr. WHITE. I just wanted to say further—and that is a matter we have talked over a great many times ourselves—that we are not in favor of having armed guards, company guards, outside of plant properties. It should not be necessary. During the 1937 strike we tried to handle the situation on that basis.

Senator LA FOLLETTE. Did that change in policy grow out of your experience

in the Berger strike? [Applause.]

Mr. WHITE. No, sir. Our change of policy grew out of the fact that we felt that with the combined efforts of our staff, our people, and the sentiment of the people in general, that we could bring about a condition whereby law and order would prevail.38

The Republic Steel Corporation seems to have admitted by its later conduct that aggressive use of plant munitions on picket lines and in the streets of publicly governed communities is not compatible with this form of government or "the traditions of the American flag."

### B. OHIO RUBBER CO. STRIKE, WILLOUGHBY, OHIO. FEBRUARY 1935-

The bitter strike of the employees of the Ohio Rubber Co;; of Willoughby, Ohio, in February 1935, and its importance as the culmination of that company's long and determined campaign against union recognition have been treated at length in this committee's report on strikebreaking services.<sup>30</sup> As is there pointed out, tear gas was used liberally and indiscriminately in this strike, chiefly by professional strikeguards, whose conduct served to aggravate a tense The strike was only partially effective, and the company was confronted by a militant and often unruly picket line composed of unionists who had been fruitlessly struggling for almost 2 years to A police problem was secure the benefits of collective bargaining. created that required firm and careful handling. The activities of the professional strikeguards, and their use of gas off the company's property resulted not only in infuriating the pickets, but in the condemnation of the community, and in the final revocation of the deputy policemen's commissions which had, by mistake, been conferred upon them.

<sup>17</sup> Pt. 24, pp. 10021-10022. 38 Pt. 24, p. 10045. 38 S. Rept. No. 6, 76th Cong., 1st sess.

Gas played an important part. It was used not for the protection of property, for there was no threat of invasion or destruction of the plant, but in the convoying of "loyal" employees and commissary trucks through the streets. The company's supply of gas grenades and guns was depleted by the strikeguards, not only by use in their sallies from the plant, but also by conversion for their own gain. Stolen grenades were apparently sold at cut prices around the community thereafter, and one of these stolen grenades was discharged at a later strike to the severe injury of an innocent child. company, entrusting such potentially dangerous arms to professional strikeguards, made little or no effort to control their use or final

disposition.

The Ohio Rubber Co. is situated not far from Cleveland, Ohio. It is engaged in the manufacture of rubber products and the vulcanization of automobile running boards, and employs approximately 900 workers. As soon as those of its employees who were members of Federal Local No. 18284, affiliated with the American Federation of Labor, went out on strike on February 18, 1935, it enlisted some 15 professional strikeguards in its services. These men had been recruited by the Associated Industries of Cleveland, an employers' association, which made a practice of furnishing strikeguards to members desiring them. In addition, R. A. Mertz, factory manager for the Ohio Rubber Co., applied to the sheriff and county prosecutor for guards. Fifty men were hired by the county and city from the McGrath Detective Agency in Cleveland, an agency engaged in the business of furnishing strikeguards. Some local citizens were deputized as well. In all, there was a force of 133 men for police

purposes.

The company had begun to buy gas equipment prior to the strike. On January 26, the Lake Erie Chemical Co. supplied gas and gas equipment amounting to \$162, which was stored in the office of the factory manager. 43 After the strike started, the company purchased a complete arsenal of 72 jumper-repeater tear-gas grenades, 36 jumper-repeater grenades loaded with a mixture of sickening and tear gas, 3 long-range gas guns, 48 long-range gas shells, 96 shortrange gas shells, and smaller quantities of billy club shells and gas pistol shells. This material was shipped on February 19 and 21, by the Lake Erie Chemical Co. In addition, the company had the use of a demonstration long-range gas gun lent by a Lake Erie salesman, and a repeating machine gas gun purchased from the Manville Manufacturing Corporation. On February 25, the Lake Erie Chemical Co. delivered additional equipment consisting of 48 jumperrepeater tear-gas grenades and 48 long-range tear gas shells. total cost of the equipment supplied by the Lake Erie Chemical Co. was \$3,340.70. All this gas and gas equipment was stored in the office of the plant manager.—It was observed there by some of the strike leaders in a conference called by the local prosecuting attorney

<sup>\*\*</sup>Pt. 21, p. 9235, testimony of R. A. Mertz, factory manager of the Ohio Rubber Co.
41 For an account of this association's strike services see S. Rept. No. 6, 76th Cong., 1st sees., Strike-breaking Services, p. 31-34, and passim.
43 Pt. 21, p. 9236 fl., testimony of R. A. Mertz. For the strike-job record of the McGrath Agency, see pt.
21, exhibit 4242, p. 9347.
43 Pt. 21, exhibit 4237, p. 9338.
44 Pt. 21, exhibit 4237, p. 9339.
45 Pt. 21, p. 9252, testimony of R. A. Mertz.

on the second morning of the strike. The size of this extensive arsenal made a profound impression on the strikers. It was described by one of the picket leaders, who attended the conference, as follows:

We went into the shop and Daniels asked Mr. Mertz—Mr. Walker was in his office at that time and it was lined up with guards all around, guards with guns and rifles. You could hardly get into his office for boxes of shells. There was a machine gun of some kind sitting on Mr. Mertz's table, a big revolver lying down in front of Mr. Walker, and one lying down in front of Mr. Mertz. Daniels and Scaglione were standing up to the table and I stood behind, with guns pushed up against my ribs, and I never opened my mouth while I was in there. Mr. Daniels did practically all of the talking. The conversation I got was that he wanted the company not to try to send any trucks out of the plant or get any into it for a certain time.46

A violent clash on the first night of the strike between the pickets and deputies and employees wishing to enter the plant, resulted in the removal of the picket line to a distance of about a block from the plant gate.47 The following morning a car carrying five or six deputies left the plant, and according to the testimony of the pickets, the deputies, without provocation, jumped out and began to shoot tear gas at the picket line. At that time the picket line was being policed. by the deputies provided by the McGrath Agency, and all was apparently quiet.48 Returning about an hour later with employees desirous of working, the deputies had another clash with the picket line. According to Factory Manager Mertz, who testified that he saw the incident from a second-story window, the pickets began to throw bricks at the deputies and the deputies retaliated with tear According to union witnesses, the deputies began to discharge tear gas before the pickets threw bricks. The union president described the incident as follows:

I should judge it was around 8 o'clock, maybe 8:30, when these same people came back down the street again, and they stopped their cars and immediately began heaving gas bombs among the pickets. That of course angered the pickets and they were throwing bricks at them. I recall at that time that windows were broken by bricks, but I do not recall a brick having been thrown until after the gas bombs had been shot in among them. I do recall one of our members being knocked out with a bomb hitting him in the breast.40

The guards, who had received no training in the use of tear gas, discharged so much on this occasion that they gassed themselves.

Thereafter, sorties of guards through the streets of the town, for the purpose of convoying food for employees, produced almost daily conflict and constituted a source of irritation and annoyance to the The situation was not as acute as that of community as a whole. the Republic Steel Corporation strike in Canton in the same year, but its essential elements were the same. Employees of the company took over functions of policing that properly belonged only to public authority, and in the performance of such functions, discharged tear

<sup>\*\*</sup> Pt. 21, p. 9251, testimony of Dallas Williams. For a further description of the arsenal, see pt. 21, exhibit 4249, pp. 9354-9355. See also testimony of R. A. Mertz, pt. 21, p. 9252. The machine gun mentioned in the testimony of Dallas Williams must have been the gas machine gun purchased from the Manville Manufacturing Corporation. Mr. Mertz stated that the guards were armed exclusively with gas and gas equipment, and did not use firearms.

47 Pt. 21, p. 9244 testimony of Charles Lanning, president of the union; p. 9235, testimony of R. A. Mertz.

48 Pt. 21, pp. 9246-9247, testimony of Dallas Williams.

49 Pt. 21, 9247, testimony of Charles Lanning.

gas indiscriminately. Mayor C. B. Todd, of Willoughby, described the conduct of the guards as follows:

Some of these men shot gas shells at some strikers near Longfellow School, and some of the school children near at the time got some of the gas. At this time these men were hauling in men and supplies from Cleveland, and met the men in front of the school building. The supplies were mostly food for men inside the plant. The men who shot the gas shells were in a car ahead of the Ohio Rubber Co. truck which was hauling the men and supplies.

One morning the Ohio Rubber Co. truck came up town in Willoughby to pick up supplies from some of the stores. It was piloted and guarded by some of these came men. They shot off a gas shell in the main street. I investigated this met

One morning the Ohio Rubber Co. truck came up town in Willoughby to pick up supplies from some of the stores. It was piloted and guarded by some of these same men. They shot off a gas shell in the main street. I investigated this matter and am satisfied that it was some of Walker's men. This was on the main street of Willoughby. The flying shell injured a Woolworth sign. So far as I

know, no one got any of this gas.

These men made themselves a general damn nuisance. The thing that annoyed us most was the signs which they had got made some where, which said "Police Department", which signs they stuck on their cars and drove around with them.\*\*

These guards had been deputized by the mayor under a misapprehension, and realizing that they were irresponsible individuals and

partisans of the company, he revoked their commissions.

On the first day of the strike, a picket camp with tents and commissary wagons were established about a block distant from the plant. The continuance of violence resulted in a written notice by the sheriff to the pickets to disperse. One week after the strike started, on February 25, this picket camp and commissary were destroyed by the deputized strike guards, apparently in pursuance of the sheriff's order. Mr. Mertz witnessed this event from the window of the Ohio Rubber plant and described it in his testimony as follows:

I saw this from a second-story window, yes, sir, the same spot I was in before. The guards that were in the truck got out and the sheriff, who had a number of men back of the gate, sent his men up to see what was going on, and in the melee I think there were 40 or 42 men arrested for rioting. The tents were torn down.

As this melee started, as I say, the sheriff sent some men out from inside the plant, and during the course of the riot that occurred the tents were destroyed. I recall distinctly seeing one of the guards go over to the commissary wagon and open the door and motion for whoever was in there to come out and, if I remember correctly, there were three women and one man came out. After they came out gas was put into the commissary wagon.<sup>51</sup>

Mr. Mertz's version of the destruction of the camp is at wide variance from the testimony of Mrs. Charles Lanning and Mrs. Dallas Williams, who were in the camp at the time it was destroyed. Mrs. Lanning's version was:

Then this Mr. Prall, Wilbur Prall, come from one of the tents to see what was going on, when somebody hollered, "Here comes the truck." Just as he got behind the truck a shot was fired from behind a canvas, and he fell to the pavement, and they picked him up, and about that time somebody knocked on our kitchen door and I went to the door and he says, "Get the hell out of here," and then there was a short fellow, I don't know whether I would recognize him or not if I could see him, but I know he was short and dark complexioned and wore a cap, across Vine Street, and it was one of the guards. He said, "Blow the hell out of that kitchen." So, when my feet set to the ground, I no more hit the ground than they took me across the railroad tracks, shooting from all angles, and I had to stop on the New York Central Tracks, not knowing whether I was

 <sup>\*</sup>Pt. 21, exhibit 4243, p. 9349
 See also pt. 21, exhibit 4249, pp. 9354-9355.
 \*Pt. 21, p. 9256.

going to be killed, and I would not have given a nickel for my life at that time. They were shooting from all angles.46

Mrs. Williams' testimony confirmed that of Mrs. Lanning:

\* \* \* So that when a truck came in it stopped right at the corner, so one of the boys just walked over to look in, and just as he looked in there was a shot of some kind. I suppose it was tear gas, but it hit him in the forehead, and he dropped to the pavement.

So the other fellows that were in the camp run out to see what was up. Then it made what people were in there mad, so they took after the truck, and just then the men poured out of the shop, just like bees would out of the hive; they just poured out. And they ran the men back. They ran some of them across the

lot, and they came and burnt the tents and everything.

I came to the door. There was some women there. Mrs. Lanning here—of course, she can tell her own story—some of the women ran. I would like to, but I couldn't find my coat. It had fallen down behind the bench we had in the kitchen.

So they hollered, "Burn the shack." Just then there was a crash at one of the windows. Then there was fumes poured in there. I don't know if there was one that came through the window, I couldn't say, because I didn't see, but the fumes came in there so strong we just couldn't get our breath."

An interesting commentary on the character of the Ohio Rubber Co.'s guards and the irresponsibility of the handling of gas equipment during the strike is contained in a letter from A. S. Ailes, vice president of the Lake Eric Chemical Co. to the purchasing agent of the Ohio Rubber Co. It is dated May 11, 1935, 2½ months after the strike, and reads:

DEAR MR. KEACH: The records we have in regard to riot gun No. 2994, which disappeared from your factory, indicates that Mr. Gould, (Lake Erie salesman), made two deliveries of munitions. The second delivery was on February 19, and this gun was included in that delivery. The entire bunch of stuff was taken into Mr. Mertz's office and it included a complete long-range gun outfit in a case, and an extra gun. Mr. Mertz asked for another gun, and Mr. Gould delivered his demonstrator.

I am inclined to believe that the gun must have been taken by one of the hired. guards, and I believe that they also took other material. This belief is substantiated by the fact that we were called upon by the chief of police at Sandusky to disclose the purchaser of two of our jumper repeater candles. One of these candles has gotten into the possession of strikers in Cleveland & Sandusky Brewing Company and was thrown into an automobile containing a small child. The child was somewhat injured either by being struck with the candle or by the blast of the candle at very close range. The two numbers of jumper repeater furnished by the Chief of Police were traced down, and both of them were sold to the Ohio Rubber Company, and it is our belief that some of the same professional guards that were employed by you were sent to the Sandusky strike.

This might give you some information to enable you to trace down the parties;

that took material away from your plant.

I have heard some of the guards were offering jumper repeater candles at \$2 each, and the natural assumption is that this would have to be stolen goods. \*\*

The full story of the Ohio Rubber Co.'s grenades which were used at the Cleveland & Sandusky Brewing Co., and there injured a child, is told in a letter from the chief of police of Sandusky to the committee, dated November 25, 1938. Two notorious strikeguards were arrested in connection with the incident, which was described by the chief of police in the following terms:

There two men were among a group of a strikebreakers employed by the company, and were inside of the brewery, when a can tear gas bomb was tossed

<sup>#</sup> Pt. 21, pp. 9259-9260. # Pt. 21, pp. 9259-9260. # Pt. 21, pp. 9258-9259. # Pt. 21, p. 9238.

from inside of the building, into a group of strikers who were on a public street, the bomb jumped into a car of a noninterested party who was driving past the brewery, and severely burned a young occupant of the car.56

The long-range shells which were fired by the strikeguards at the pickets and townspeople of Willoughby and the Jumper-Repeater grenades which were used to drive Mrs. Lanning and Mrs. Williams out of the strikers' commissary functioned so completely to the satisfaction of the Ohio Rubber Co. that factory manager R. A. Mertz wrote the following testimonial to the Lake Erie Chemical Co.:

DEAR MR. AILES: During recent strike rioting at our plant we used your Long Range Projectile Shells and Jumper-Repeater Candles very effectively.

The Jumper-Repeater Candles were effective inasmuch as the gas was invisible

and they could not be picked up and thrown back.

The fact that the gas was so effective undoubtedly saved us from having several casualties as it certainly dispersed the mob in short order.

Yours very truly,

THE OHIO RUBBER COMPANY, R. A. MERTZ, Factory Manager. 56

A facsimile of this testimonial was reproduced on the cover of the Lake Erie Chemical Co.'s catalog and distributed through the country. The Manville machine gun which the Ohio Rubber Co. had during the strike must also have done yeoman service, for the Manville Manufacturing Corporation boasted of the effectiveness of its use during the Ohio Rubber strike as follows:

Our equipment was used to break up the strike of the Ohio Rubber Company at Willoughby, Ohio, and to break up the strike in the Gear Plant of Toledo, Ohio; was used at the Eaton Axle plant at Cleveland, at the Real Silk Hosiery Company, of Indianapolis, and at a great many smaller places. In each of the above cases the equipment was used by the detective agencies brought in to protect the plant. 57

It may be doubted that the indiscriminate and lavish use of gas at this strike did anything except to make the problem of policing more Certainly the folly of entrusting such weapons, not to trained and responsible police officers, but to irresponsible and violent strikeguards, who are frankly partisans of the company, regardless of any pro forma deputization, has seldom been better demonstrated.

# C. Black & Decker Electric Co. Strike, Kent, Ohio, June 1936

The danger of the aggressive and partisan use of gas and firearms by private guards is illuminated by the experience of the Black & Decker Electric Co., of Kent, Ohio, in June 1936. An unprovoked assault by professional strikeguards, using tear-gas guns and buckshot upon three pickets, precipitated a gun battle, which lasted for several hours, causing damage to the plant, and injuring three of the The incident provides a splendid argument for guards severely. prohibiting the use of such weapons by employers or their agents off their own premises, and for the banning of firearms altogether from industrial disputes. 40

Letter of R. G. Bravard, chief of police, Sandusky, Ohio, to David D. Lloyd, committee counsel, dated

M. Letter of R. G. Bravard, chief of police, Sandusky, Ohio, to David D. Lloyd, committee counsel, dated November 28, 1938.
 Pt. 21, p. 9344.
 Pt. 2, exhibit 270, p. 655, a letter from R. N. Huffman, secretary-treasurer of Manville Manufacturing Corporation, to J. C. Gordon, Manville salesman, dated June 12, 1935.
 For an account of acts of violence by union members, and the ultimate outcome of the strike, see S. Rept. No. 6, 8trikebreaking Services, pp. 57-64.
 This incident has been described at length in the committee's report on strike-breaking services referred to above. S. Rept. No. 6, 76th Cong., 1st sess., pp. 46-50.

The Black & Decker strike, which had for its cause the refusal of the company to renew its agreement with a local of the International Association of Machinists, began on May 2, 1936. The plant was entirely shut down and no attempts were made to operate it. : A couple of weeks after the strike started an injunction against mass picketing was granted and the union was allowed only three pickets at each plant gate, and the remaining strikers were required to keep 1,000 feet from each gate. In spite of this injunction the strike remained

entirely effective.60

The handling of the strike was turned over to the National Metal Trades Association to which the company belonged. On May 10, 1936, a representative of the National Metal Trades Association ordered \$1,619.16 worth of gas equipment from the Lake Erie Chemical Co. for the Black & Decker Co. This order included long-range gas guns, long-range shells of both tear and sickening gas and several dozen of both tear and gas grenades. 62 The National Metal Trades Association also arranged to provide strikeguards for the Black & Decker Co. L. A. Stringham, strikebreaking superintendent for the National Metal Trades Association, arranged with two Cleveland detective agencies to supply the guards. These guards, about 42 in number, arrived at the Black & Decker plant early on the morning of June 18, 1936, in a large covered van. The purpose of these guards, according to Mr. Stringham, was "to open the plant." 53 Inasmuch as it would have been impossible for 42 armed professional strikeguards to "open" and operate a plant which employed 450 skilled machinists, their mission must have had some other purpose.

The guards drove up to the gate, jumped out of the van, and, without any notice, opened fire with gas and shotguns on the three pickets stationed at the gate.64 One of these pickets was a woman. Other strikers immediately hurried to the gate when they heard the shooting. The guards continued to shoot at the strikers from inside the plant fence, severely gassing them and inflicting buckshot wounds which

necessitated the hospitalization of several strikers.65

This entirely unprovoked attack by a truckload of armed guards on three lone pickets, one of whom was a woman, so infuriated the strikers that they went in search of every possible weapon which could be found with which to retaliate. Shortly the plant was besieged by several hundred strikers and strike sympathizers, many of them armed with rifles.66 The chief of police of Kent estimated that from 100 to 150 persons armed with rifles had participated in firing at the plant.67 The firing was severe, windows were broken, and the water tank was riddled with bullet holes. This is the only example in the committee's record of substantial damage to plant prop-It was inspired, however, not by any attempt to destroy the plant but by a desire to retaliate upon the strikeguards for their brutal assault on the pickets. During all the previous weeks of the strike the plant had not been harmed. Had the strikeguards not

Pt. 8, p. 938 f testimony of Charles A. Gadd.
 Pt. 2, exhibits 217-218, pp. 598-599.
 Pt. 2, exhibit 219, p. 600.

<sup>Pt. 3, p. 851.
Pt. 3, pp. 938-939, testimony of Charles A. Gadd.
Pt. 3, p. 939, testimony of Charles A. Gadd.
Pt. 3, p. 940, testimony of Charles A. Gadd.
Pt. 3, p. 940, testimony of Charles A. Gadd.
See newspaper accounts in the Akron Beacon Journal of June 18, 1936</sup> 

utilized industrial munitions off the plant property in a brutal and

aggressive fashion, the incident would never have occurred.

The strikeguards within the plant were themselves adequately armed. It is probable that they brought arms and tear gas with them, in addition to the supply already laid in by the company. The business representative for the union, entering the plant later, participated in examining the arms in the hands of the strikeguards. According to him-

There were five sawed-off shotguns, five tear-gas guns, long-range guns, one full case and one part of a case of long-range tear-gas shells; there was quite a quantity of small arms ammunition, shotgun shells, and there were about a bushel-basket full of revolvers and automatic pistols.66

The guards, however, were not apparently in a position to make much use of their weapons. According to one of them, who testified later before the committee, their efforts were principally directed toward avoiding the rifle fire from the outside.60

By 11:30 in the morning the union leaders persuaded the strikers to cease firing. 70 At last it was arranged between the strikers and the sheriff that the sheriff would enter the plant, disarm the strikeguards, and place them under arrest. Efforts of the company to obtain the

National Guard had been unavailing.

Warrants were sworn out for the arrest of the men on the charge of shooting with intent to wound. About 6 p. m. the sheriff, accompanied by deputies and union men, entered the plant and removed the guards in their van through the aroused picket lines to the city jail. All the guards were bound over to the grand jury in bond of \$1,500 each. Examination of their records by the Federal Bureau of Investigation reveals that 16 of them had criminal records for offenses prior to the time they arrived in Kent.71

The disturbance subsided after the guards had been arrested, and the community returned to normal. Two weeks thereafter the company

resumed contractual relations with the union.72

As the committee points out in its report on strikebreaking services, there is little doubt that it was the purpose of the guards, and those who had them in charge, to create a riot of serious proportions, with the obvious objective of breaking the strike.73 The aggressive and partisan use of industrial munitions not on the premises of the employer was an integral part of this scheme.

### SECTION 2. OTHER EXAMPLES OF THE USE OF FIREARMS IN STRIKES

The three incidents described illustrate the principal evils latent in the use of industrial munitions by private persons. Discharge of gas and firearms in public streets or places by an employer's agents, whether private police or professional strikeguards, customarily re-

<sup>48</sup> Pt. 3, p. 941. The representatives of Federal Laboratories, Inc., were under the impression that this gas and gas equipment was purchased from the Lake Eric Chemical Co., by the McGrath Agency. According to the invoice (exhibit 219, pt. 2, p. 605) Black & Decker purchased only 2 tear gas guns, whereas Gadd saw 5. The efforts of Federal Laboratories to sell gas at this strike were unavailing. (See pt. 15-D, exhibit 3642, p. 7048.)

48 Pt. 22, p. 9371, testimony of Charles Adams.

48 See newspaper accounts in the Akron Beacon Journal, of June 18, 1936.

49 To a more complete discussion of the criminal records of these men, and their strike-job records, see 8. Rept. No. 6, 76th Cong., 1st sess., Strikebreaking Services, p. 49, and citations listed.

49 Pt. 3, p. 941, testimony of Chas. A. Gadd.

49 Rept. No. 6, pp. 49-50.

sults in invasion of the rights of strikers, injury to innocent persons, disorder, and violent attempts at retaliation. Deputization does not change the partisan character of such intervention, nor is an existing condition of turbulence and disorder ameliorated or corrected by such means.

The right of an employer to use force to protect his property from trespass or damage does not include the right to use force to maintain operations in his plant. The issue between the employer and nonstriking employees on the one hand, and strikers on the other is one that involves the fundamental rights and liberties of citizens, and therefore lies solely within the competence of public authority to control and police. To permit the employer's agents to intervene, with force and arms, in an effort to maintain operations during a strike, is to surrender a portion of the public police power and to invite others to take the law in their own hands in similar fashion. Such are the seeds of vigilantism. Aggressive and lawless acts by one side of an industrial dispute, employers or strikers, do not, of course, justify a resort to force by the other.

The three instances of the use of arms in strikes recounted above illustrate three variations of the effect of industrial munitioning. In none of them, it will be observed, were the employer's weapons confined to the protection of property. In the Berger strike, there was no threat of damage to the plant at any time; in the Ohio Rubber Co. strike various retaliatory acts by individual unionists occurred against the background of turmoil and disorder precipitated by the excursions of the strikeguards; in the Black & Decker Electric Co. strike the plant was in no danger whatsoever until after the strikeguards had attacked the pickets with firearms and gas. Far from protecting the plant, industrial munitions, in that case, merely created a situation

which placed it in danger.

These instances clearly demonstrate the invalidity of any claim that employers need arms as protection against the arms of their employees. Only in the Black & Decker strike was their any recourse to arms on the part of strikers, and there it was in response to the use of arms by strikeguards. In fact, the Black & Decker instance is one of the only two examples of concerted recourse to arms on the part of strikers in the committee's record. The other occurred at Lake Charles, La., during the longshoremen's strike in October 1935, when the Railway Audit & Inspection Co., Inc., imported some 50 professional strikeguards, some of whom were criminals, armed them with machine guns and gas, and used them to protect strikebreaking workers.74 Such conflicts between strikeguards and strikers are, as has been noted, destructive of public authority. While provocation and the surrounding circumstances of the industrial dispute, including the use of professional finks and industrial munitions, may explain the resort to arms by strikers in such incidents, they cannot justify it. Fortunately, recent industrial history has few such occurrences.

One of the most extensive and bitterest strikes of recent times, the "Little Steel" strike of 1937, was the subject of thorough investigation by this committee. Concerning this strike the committee took testi-

<sup>74</sup> See S. Rept. No. 6, 76th Cong., 1st sess., Strikebreaking Services, pp. 55-57, for a full description of this

mony from hundreds of witnesses, amassed thousands of pages of record, and received numerous affidavits and exhibits from all parties concerned. The magnitude of the record on this strike requires exhausting and painstaking analysis. At present, the committee is in the process of preparing a report on this strike, embodying its conclusions and findings. One of the elements most stressed at the committee's hearings by both sides to the strike was the role of violence in the strike. It would be impossible, in a report of this compass, fully to explore the question of violence and to analyze the various riots and disturbances that occurred during the strike. Nor would such details have significance isolated from the course of the great struggle of which they were a part.

Heretofore this report has made mention of the purchases of gas and other arms made by certain companies in this strike, and the use of such private arms by public authorities during this strike will be treated in some detail below. The whole course of the strike does not exhibit a single instance of the use of industrial munitions to protect plant property from invasion or attack. The actual role of the plant arsenals will be discussed fully in the committee's report on the strike.

Reference was made during the strike and later at the hearings to the use of arms by strikers. Investigation showed the baselessness of some of these allegations and established the truth of others. It further revealed the possession and use of arms by others than strikers—particularly members of the back-to-work movements. There was no evidence of a concerted resort to arms by strikers in any community affected by the strike, but the city of Youngstown provided an example of an openly armed back-to-work movement, threatening to march into the plants through lines of aroused and often unruly pickets. These examples of the use of arms may be briefly discussed here. Isolated and sporadic, occurring infrequently, and then only in the course of riots, examples of the use of firearms by strikers during the "Little Steel" strike, while requiring condemnation, presented no problems that were not handled by duly constituted authority, and afford no justification for the great stores of weapons in the hands of the companies involved.

Clashes between strikers and their sympathizers, and forces of regular or special law-enforcement officers, occurred at Chicago, Ill., and Monroe, Mich., during this strike but did not, however, involve the use of firearms by strikers. The Monroe, Mich., incident, which is discussed in detail in the next chapter of this report, involved clubs and other missiles in the hands of strikers or strike sympathizers but no guns. The Chicago Memorial Day incident was the subject of thorough investigation and a separate report by this committee.

During the Memorial Day incident in Chicago, in the course of which 10 persons were killed by the Chicago police, no firearms were used by the strikers or strike sympathizers insofar as the committee was able to determine by thorough investigation. One Chicago police officer, however, testified that he observed the flash of a gun from within the crowd of demonstrators, and another testified that a police officer shot a striker who fell with a nickel-plated revolver in

Below ch, VI, pp. 148-155.
 75th Cong., 1st sess., S. Rept. No. 46, pt. 3.

his hand. The testimony of these two witnesses was so full of discrepancies, and other unimpeachable evidence so tended to contradict them that the committee was forced to conclude that the testimony of one of these officers was "wholly unreliable," and that of the other a "product of a highly inflamed imagination or an act of deliberate perjury."" Moreover, in the inventory submitted to the committee by the Chicago Police Department of clubs and other missiles which had been collected from the field after the encounter, no firearms of

any description were listed.78

In Massillon, Ohio, an encounter between strikers and regular and specially deputized police officers of the city of Massillon took place on the night of July 11, 1937, during the "Little Steel" strike. clash resulted in the death of two strikers and bullet or shot wounds for several others. The evidence leading up to this incident and all of its details are to be thoroughly considered in the committee's forthcoming report on the "Little Steel" strike. During the Massillon clash, police officers of Massillon, and later those of the neighboring city of Canton, directed a heavy barrage of revolver, submachine-gun, and gas fire into a crowd of strikers assembled in front of the union's strike headquarters, into the headquarters building itself, and into neighboring buildings. Testimony was given by police officers and others that during the encounter flashes of guns were seen from among the strikers. Strikers denied that any of their number carried or Whatever the character of the fire from the used guns that evening. strikers, and the only affirmative testimony concerning it indicates but few shots at most, it is clear that there was no concerted firing and no widespread possession of firearms. Immediately after the clash, the Massillon police, officers of a National Guard unit, deputy sheriffs, and Pennsylvania Railroad policemen rounded up and arrested every person in the neighborhood of the union headquarters who was suspected of being a striker. Strikers and other persons not connected with the strike were routed out of bed, their doors kicked in, and their homes searched for firearms. According to the official records of the Massillon City police department, the Canton city police department, and the Stark County, Ohio, jail, 209 persons were arrested on the night of July 11 and morning of July 12, in this "mopup." 80 Of these 209 persons no one was arrested for possession of

Another bloody riot which resulted in death to two strikers and injury to many others occurred during the "Little Steel" strike in Youngstown, Ohio, on the night of June 19, 1937. This so-called stop 5 riot, the magnitude of which has seldom been approached in the history of American labor-strike conflicts, is considered in greater detail in the committee's forthcoming report on the "Little Steel" strike. This riot, which lasted the whole night, was precipitated when a Youngstown city police captain dispersed a peaceful women's picket line at one of the Republic Steel plant entrances by tossing

 <sup>77</sup> Ibid., pp. 24-26.
 78 Ibid., p. 25.
 79 See pt. 33, testimony of several Massillon regular and special police officers, strikers and strike leaders, a professional strikeguard employed by Republic Steel Corporation, and two Pennsylvania Railroad police officers.

Pt. 33, exhibit 5185-A, 5185-B, and 5155.

Pt. 134, exhibit 5185-A, 5185-B, and 5155.

Ibid. The one person booked on a weapons charge had a pocketknife when he was arrested.

several gas grenades at the women.82 During the course of the riot there was considerable shooting by others than law-enforcement Bullets came from either the Republic Steel Corporation mill or the railroad embankment immediately in front of it toward the ranks of the strikers.<sup>83</sup> Shotguns were issued to some 12 or 15 Republic Steel Corporation policemen by the Republic captain of police in charge, who testified that he could not say definitely of his own knowledge whether they had been discharged or not during the riot.84 During the night, strikers and their sympathizers obtained various types of firearms in considerable numbers and fired from the hill across the street from the Republic Steel plant toward the plant and police and sheriffs' officers.85 This use of guns by the strikers did not take place until a considerable time after the riot had been precipitated by the discharge of gas at the women's picket line. Assuming that it was this incident which moved the strikers to violent retaliation, there can be no justification of their resort to arms. against police officers, even if the latter were abusing their own authority. Provocation may explain, but cannot justify, such acts.

During the 1937 strike a back-to-work movement was instituted among the employees of The Youngstown Sheet and Tube Company. Represented to be of very extensive proportions, this movement had for its spokesman and leader Ray Thomas, attorney, former holder of various public offices, and a man of great and immediate influence in the local government, his brother Vern Thomas being law director of the city of Youngstown.86 The back-to-work movement was organized primarily around the employee representation plan officials of The Youngstown Sheet and Tube Company. A part of the company's employee-representation plan was the Brier Hill Employees Association, whose chairman, Martin Walsh, and secretary, James J. Daley, were aides of Ray Thomas in the back-to-work movement. One of the active organizers under Messrs. Daley and Walsh was Anthony Pecchio, a Youngstown Sheet and Tube Company employee, who testified regarding some of the less peaceful aspects of the backto-work movement. Mr. Pecchio testified that he was supplied with a pistol and ammunition by either Mr. Walsh or Mr. Daley from among the several guns he saw around the back-to-work headquarters.<sup>87</sup> He further testified that in addition to the pistol which he carried during his work of organizing the back-to-work movement he kept his deer rifle at the back-to-work headquarters and that he and several of the other back-to-work leaders, including Messrs. Walsh and Daley, purchased some ammunition and practiced with the rifle.88

<sup>\*\*</sup> Pt. 30, testimony of Capt. Charles Richmond, and testimony of Mrs. Stella Kirin.

\*\* Pt. 31, testimony of George E. Brubach, detective on the Pittsburgh, Pa., police force.

\*\* Pt. 30, testimony of W. Earl Butler, captain of police. Republic Steel Corporation.

\*\* See pt. 30, testimony of Capt. Charles Richmond, Youngstown police department, and of other witnesses to stop 5 riot.

<sup>Pt. 29, passim.
Pt. 29, pp. 12932-12033, testimony of Anthony Pecchio.
Messrs. Walsh and Daley had no corrections to make to the testimony of Mr. Pecchio as to their assisting in arming the back-to-workers, ibid pp. 12052-12053.</sup> 

Ray Thomas, attorney for and leader of the back-to-work movement, encouraged the arming of the back-to-workers by advising them that they had the right to bear arms and telling them to "go ahead and arm themselves." 89 The purpose of their arming was made clear in the testimony of Mr. Thomas, who stated over and over again to the committee that they were planning to stage an armed march on the picket lines to go into the mill.

Mr. Thomas. These men were to meet at various places in various groups,

and the ones that were armed were to just go in.

Senator LA FOLLETTE. And had you made any provision for arming the men? Mr. Thomas. I had myself. I gave a couple of men some revolvers that I had, I think about three, in other words, they were told to go ahead and get revolvers wherever they could get them. If they did not have one for their home, to borrow one from somebody.

I knew that the majority of them were going in armed.00

The encouragement given by the Youngstown Sheet and Tube Company to these plans of organizing and arming a crowd of men to attack the picket lines is indicated by the purchase of 478 helmets which were turned over to the back-to-workers.91 William D. Gillies. operating vice president of the Youngstown Sheet and Tube Company, testified about the helmets:

Senator La Follette. Mr. Gillies I want to ask you one question. Did you

know anything about the safety helmets?

Mr. GILLIES. I think in a general discussion around the plant about when we can start up and rush the picket line, the matter of having something on your head, and that it would be a pretty good thing, was discussed.92

Mr. Thomas testified that there was no secrecy about the plans of the back-to-work movement for an armed assault on the Steel Workers Organizing Committee pickets. The Youngstown mills, closed since the strike began on May 25, were scheduled to open on June 22. Mr. Thomas described the publicity which he gave to his plans as

Senator LA Follette. Had you apprised any of the city officials of your

plans and intention to take the men into the mill on Monday?

Mr. Thomas. I was giving statements to the paper at that time, Senator and I think that it was generally understood that we were going in if we had to go in shooting. I think that that was a matter of general knowledge.

Thus the Youngstown Sheet & Tube Co., which publicly deplored violence, was actively encouraging a movement which had for its announced purpose an armed attack on the picket lines. attitude is vigilantism pure and simple, regardless of the character of the picketing.

The tension in Youngstown rapidly increased after the so-called stop 5 riot on June 19, 1937, because of the announced plans of the back-to-work movement to shoot its way through the picket lines when the mills opened at the advertised time of 7 a.m. on June 22. During

<sup>Pt. 29, p. 12000.
Ibid. p. 12011.
Ibid., exhibit 4803, pp. 12044-12045.
Pt. 29, p. 12093.
Pt. 29, p. 12013.
Pt. 31, testimony of Carl Olson, chief of police, Youngstown, Ohlo.</sup> 

the night of June 21 and the early morning of June 22 strike sympathizers in large numbers came to Youngstown from surrounding communities. In order to avert the violence which threatened between the armed back-to-workers and the pickets augmented by additional forces from other cities, the Governor of Ohio ordered detachments of the National Guard into Youngstown with instructions to preserve the status quo as to the closed plants. The chief of police of Youngstown, Ohio, testified that at midnight on June 21 he received instructions that the status quo between the parties to the strike should be maintained until the Federal Mediation Board had completed its Steel plants then operating should be permitted to continue operation and steel plants closed by this strike should "remain closed during the deliberation of the Federal Mediation Board." The Governor's instructions stated further that:

There shall be no invasion of these counties by nonresidents \* and-

All persons who are not officers of law shall be disarmed of weapons of all kinds and descriptions, and where any person or persons are guilty of violation of the law, they shall be arrested and turned over to civil authorities for court action.

Acting under the Governor's instructions, Chief Olson testified that-

We immediately set out and we blocked the highways coming into Youngstown, the main highways; and any suspicious cars coming along we stopped and searched \* \* \*\*

On the night of June 21-22 and the succeeding few days approximately 60 persons suspected of being strikers or strike sympathizers were arrested in Youngstown on charges of carrying weapons. 98 Of these, approximately one-half were released without charge or had their charges dismissed.99 Despite the publicity, including press comment, given statements by back-to-work leaders that their men were arming themselves, both the sheriff of Mahoning County and the chief of police of Youngstown testified that they had not heard about it until the hearing over a year later in Washington. 100

Photographs of weapons purporting to have been taken from the strikers and strike sympathizers on the night of June 21-22 and succeeding days in Youngstown were offered in evidence by Tom M. Girdler, chairman of Republic Steel Corporation, during the hearings conducted by the United States Senate Committee on Post Offices and Post Roads, in June 1937, and were widely reprinted in the public

<sup>\*\*</sup> Pt. 31, exhibit 4925, a memorandum of a phone conversation between Carl L. Olson, chief of police, Youngstown, Ohio, and Martin L. Davey, Governor of Ohio, on June 21, 1937, 11:28 p. m., and testimony of Chief of Police Olson.

\*\* Did.\*\*

of Chel of Paice Oison.

10 Ibid.

11 Pt. 31, testimony of Carl L. Oison.

12 Pt. 31, exhibits 4922-4924, tabilations of arrests by the Youngstown police department and the Mahoning County sheriff's office during June and July 1937. Because of the confused state of the public records regarding the arrest and disposition of the strike cases, it is impossible to determine the correct number of strike arrests accurately. The figures given here are believed to be outside totals. On June 19, Mart Murphy, back-to-work leader, was arrested for carrying concealed weapons (a loaded revolver), and was released. Other persons identified with the back-to-work movement were arrested with weapons in their possession and also released. One of the union members who was arrested on June 20 was Harold Frederick Vargo, a confessed labor spy, who testified (pt. 26, p. 10943) that Captain Butler gave him the pistol in his possession when he was arrested.

13 Ibid.

14 Pt. 31, testimony of Carl Olson, chief of police, Youngstown, Ohio, and of Ralph Elser, sheriff of Mahoning County, Ohio.

press. 101 These photographs were taken in the Youngstown city police station at the direction of Republic Steel Corporation's publicity counsel, Hill & Knowlton. 108 One of these photographs 108 was labeled "Box of dynamite bombs taken from the home of Russell Gebboney." The so-called "dynamite bombs" were not dynamite at all, but smoke bombs and were not found upon the premises described. The photographs of arms taken from strikers and strike sympathizers in the police department office include a total of 10 rifles and shotguns, 7 pistols and revolvers, a considerable quantity of ammunition and some 40 to 50 baseball bats and clubs, 1 sledge hammer, 1 hatchet, and a long-bladed machete. The source of at least a part of these weapons is explained in the committee's record. Two of the shotguns and one rifle, and a small handbag full of ammunition were taken from S. Russell Gibboney, a gun collector. Mr. Gibboney, a Republic Steel Corporation employee on strike, testified that on June 21 he heard that his home was going to be searched for firearms. Therefore, he took several of his hunting and target guns to his brother's home. Later in the day he returned home and as he was about to take the two remaining shotguns, the rifle, and his ammunition out of town he was arrested and they were taken from his car. 106 The wicked-looking machete, which was featured in the photographs, was taken from one Maurice Needler. Mr. Needler's affidavit states that he was not an employee of one of the steel companies, not on strike, had nothing to do with striking union or the strike, had purchased the knife during his Army service in the Tropics and when arrested was carrying it in his car for the purpose of cutting firewood for a picnic.106

In addition to arresting numerous strikers and strike sympathizers. mostly on charges of "suspicion," the Youngstown Police Department searched the office of one of the Steel Workers Organizing Committee lodges for firearms. This occurred on the morning of June 23, 1937, when two police officers entered the office of S. W. O. C. Lodge No. 1331 on Poland Avenue, "searched the premises thoroughly" and arrested Arthur Connelly who was at the time in charge of the office. 107

No firearms were found, although the police report read:

\* found 3 large clubs and C. I. O. literature, also signs which were brought in.106

Mr. Connelly testified that he was held in jail "about 36 hours".100 He was released without charges being placed against him. He also testified that the "C. I. O. literature" which was taken from the union headquarters by the police included the union's receipt books containing the names of the dues-paying members and that they had never been returned.110

<sup>181</sup> Hearings on "Delivery or Nondelivery of Mail in Industrial Strife Areas", on 8. Res. 140, p. 236, 182 Pt. 23, affidavit of Donald S. Knowlton, pt. 33, 183 Pt. 29, exhibit 4785, p. 12146.
184 Pt. 29, testimony of Paul Lyden, Youngstown city commissioner of waterworks who took an active part in handling the strike situation for the city.
185 Pt. 31, testimony of S. Russell Gibboney. Mr. Gibboney was released after being held in jail for 3 days.
186 See exhibit 6913 in a subsequent volume.
187 Pt. 31, testimony of Arthur Connelly; and exhibit 6912 affidavit of Arthur Connelly, in a subsequent

volume.

100 Pt. 31, exhibit 4930, police department, city of Youngstown, Ohio, arrest record of Arthur Connelly.

100 Pt. 31, testimony of Arthur Connelly.

#### 130 VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

In spite of the announced purpose of the Governor of Ohio that "all persons who are not officers of law shall be disarmed of weapons of all kinds and descriptions" no attempt was made by the Youngstown City Police Department, the Mahoning County sheriff's office, or the Ohio National Guard units to disarm The Youngstown Sheet & Tube Co., the Republic Steel Corporation, or the back-to-work movements. The arsenals of these two companies, which overshadowed those of the sheriff's office and the police department, "" were left intact. In fact, the only occasions on which the sheriff or the chief of police, or any of their subordinates, communicated with the Youngstown Sheet & Tube Co. or Republic Steel Corporation on the subject of munitions were those when munitions from their private arsenals were donated to the public authorities for use in the strike."

iii See ch. III, pp. 57-58, for a comparison of the private arsenals of these 2 companies with those of the Police Department of Youngstown and the sheriff of Mahoning County.

113 See ch. VI, p. 144, for a discussion of the donation of munitions by the 2 companies to the Youngstown Police Department and the Mahoning County sheriff's office during the strike.

# CHAPTER VI.—MUNITIONS FURNISHED TO PUBLIC AUTHORITY BY PRIVATE INTERESTS

#### SECTION 1. INTRODUCTION

The committee's record reveals instance after instance of the purchase of industrial munitions by employers for the purpose of equipping local law-enforcement agencies. So frequently do employers provide local sheriffs or chiefs of police with gas or other weapons that the practice may be said to be one of the commonest aspects of the industrial-munitions business. In most of these instances the arms or munitions are furnished to public authority by employers

during strikes to which they are parties.

Donations of supplies to public authority in time of disaster or for emergency-relief purposes can rarely be criticized. However, private gifts of munitions, even though they consist of needed equipment, are at all times of dubious propriety. Whatever the need may be and however public spirited the state of mind of the donor, such gifts inevitably arouse suspicion, and suggest attempts to influence the administration of law for private ends. In time of strike, the impropriety of gifts to police officials by one party to the dispute is manifest. The aggravated policing problems arising during strikes require a most impartial and unbiased attitude on the part of lawenforcement officers. During strikes the principal concern of employers is to renew or maintain operations, and no gift of policing equipment can be made by them under such circumstances without the hope or intent that it will be used to accomplish that end. Nor does a state of emergency erase the suspicion that inevitably attaches to both the employer giving, and the law-enforcement agency receiv-In many cases of ing, arms or munitions under such circumstances. this practice examined by the committee, employers have made such gifts clearly with the desire that the law-enforcement agency use them to accomplish ends other than those of maintaining law and In some cases such gifts have been accompanied by repeated demands and the exertion of pressure upon the law-enforcement agency to take aggressive and unwarranted action against strikers.

Law-enforcement officers themselves realize the impropriety of such action. During the committee's hearings on the 1937 "Little Steel" strike at the mills of the Bethlehem Steel Corporation, in Johnstown, Pa., the mayor, Daniel J. Shields, was confronted with evidence that he had received large donations of gas and gas equipment from the Bethlehem Steel Corporation. Relying on his position as a duly constituted public official Mr. Shields attempted to deny that he had

received such gifts. He said:

Here are two fellows at odds. I go to one to get ammunition to shoot the other fellow—how absolutely absurd and ridiculous.

<sup>&</sup>lt;sup>1</sup> Pt. 19, p. 8424.

While this statement could not contravert the conclusive proof of the gift, it suffices to illustrate most succinctly and explicitly the evil of

private gifts of arms during industrial disputes.

The State of Pennsylvania has by legislation recognized the evil of such gifts of arms, and sought to prevent the corruption of law-enforcement officers by any groups involved in a controversy which they are called to police. In an act passed June 4, 1937, prohibiting the payment of any police officials for official duty out of other than public funds, there is a provision specifically referring to gifts of arms or tear gas. It reads as follows:

The Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not accept as a gratuity, gift, or donation any arms, ammunition, military supplies, tear gas, or equipment or supplies or articles of a similar character from, nor shall any such gratuity, gift, or donation be made by any persons, association, or corporation.

It should be carefully noted that this prohibition, and the penalty clause, which reads:

Any sheriff, deputy sheriff, or any other official of the county, or any other officer as defined in this act, or any person, association, or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or to undergo an imprisonment of not less than ninety (90) days nor more than two (2) years, or both.

apply equally to any State, county, or municipal officials who might receive munitions as well as any persons, associations, or corporations which might donate them.

#### SECTION 2. THE JOHNSTOWN, PA., INCIDENT

What happened in Johnstown, Pa., during the so-called "Little Steel" strike in June 1937, is a startling example of the evils which

the Pennsylvania statute was designed to correct.

On June 11, 1937, the "Little Steel" strike spread to the giant Cambria plant of the Bethlehem Steel Corporation at Johnstown, Pa. Three days later Federal Laboratories delivered \$6,306.53 worth of gas equipment to the city of Johnstown. Ascertaining who was responsible for ordering that gas equipment and who paid for it constituted one of the larger tasks at the hearings before the committee. To unravel the mystery the committee was required to examine the records of the mayor, chief of police, and city of Johnstown, the records of Bethlehem Steel Corporation and Federal Laboratories, and to interrogate the mayor, chief of police, two Bethlehem officials, and a district superintendent of the Pennsylvania Railroad.

Briefly, the facts relating to the purchase of this gas are as follows: Shortly before the strike started on June 11, 1937, Johnstown city officials took stock of their arsenal and realized that they had practically no gas on hand. After discussions, about which there are three conflicting stories in the committee's record, between Mayor Daniel

<sup>&</sup>lt;sup>3</sup> Purdon's Penn. Code Ann., supp. 1937. Juñe 4, 1937, P. L. 1595, § 5, title 16, ch. 1, § 192e, p. 17.

<sup>&</sup>lt;sup>4</sup> For discussion of \$6,306.53 worth of gas equipment purchased for the city of Johnstown, Pa., by the Bethlehem Steel Corporation and the Pennsylvania Railroad during June 1937, see pp. 132-136.

<sup>6</sup> Pt. 19, p. 8250, testimony of Harry F. Klink, chief of police, Johnstown, Pa.; p. 8422, testimony of Daniel J. Shields, mayor, Johnstown, Pa.

J. Shields, Chief of Police Harry F. Klink, C. R. Ellicott, superintendent of the Bethlehem Cambria plant, and Charles E. Adams, superintendent of the Pittsburgh division of the Pennsylvania Railroad, gas was ordered through Federal Laboratories Salesman A. H. Baum and delivered to the city on June 14.6 Four invoices were made out covering the total shipment of \$6,306.53. All invoices read: "Shipped to: Mayor Daniel J. Shields, city of Johnstown, Johnstown, Three of them totaled \$5,300.33 and the fourth was for \$1,006.20.7 On the question of payment there is again conflict of testimony. Mayor Shields claimed that he paid for all of the gas out of the more than \$31,000 in cash which he had received from the Bethlehem Steel Corporation through the hands of the Johnstown Citizens Committee. Mr. Adams stated that the Pennsylvania Railroad paid the \$1,006.20 invoice and that he personally paid Federal Laboratories' agent the other \$5,300.33 in cash which was handed to him by a Bethlehem official. The testimony of two Bethlehem officials corroborates Mr. Adams' statement.<sup>10</sup>

There we have the bare picture—a large supply of gas equipment, including 15-long-range guns, 226 projectiles and shells, and 307 grenades, was delivered to a police department during a strike and paid for, according to all the testimony, with other than publicly appropriated funds. It is important to probe deeper into this episode, to resolve the conflicts of testimony and discover the reasons for

denials and the roundabout methods used.

The strike situation in Johnstown revolved around two important factors. One was the establishment of a so-called citizens' committee, composed of bankers, ministers, and other leading citizens; the other was the personality of Mayor Daniel J. Shields. These factors and their influence upon the strike situation will be explored in detail in the committee's forthcoming report on the "Little Steel" strike of 1937. Suffice to say here that the Citizens' Committee received \$31,000 in cash from the Bethlehem Steel Corporation, all of which was turned over to Mayor Daniel J. Shields, ostensibly for the purpose of meeting extraordinary expenses required of the city for the purpose of policing the strike.<sup>11</sup> Neither the mayor nor any other city official kept any record of the expenditure of this sum of money, nor was any of it returned to the Citizens' Committee, or to the Bethlehem Steel Corporation. 12 On the stand before this committee, the mayor was anxious to establish that he had expended all this money for legitimate purposes in connection with his duties as a public law-enforcement official during the strike, but he was unable to do so conclusively because of his lack of records. Failure to establish this point would arouse the suspicion that he had converted some of this money to his own use, a suspicion enhanced by the fact that his personal wealth showed an increase subsequent to the strike. During the hearing the mayor

<sup>\*</sup>See pt. 19, pp. 8250 ff, testimony of Chief of Police Harry F. Klink; pp. 8421 ff, testimony of Mayor Daniel J. Shields; pp. 8350 ff., testimony of C. R. Ellicott; pp. 8570 ff, affidavit of Charles E. Adams.

'See pt. 19, exhibits 3954-A, 3954-B, and 3954-C, pp. 8637 ff, and part 15-D, exhibit 3703, p. 7067, Federal Laboratories, invoices.

\*Pt. 19, pp. 8421 ff, testimony of Mayor Daniel J. Shields.

\*Pt. 19, pp. 8570 ff, affidavit of Charles E. Adams.

10 Pt. 19, pp. 8363 ff, testimony of C. R. Ellicott and Sidney Evans.

11 Pt. 19, pp. 8365 ff., testimony of Sidney Evans; pp. 8359 ff., testimony of Fulton I. Connor, temporary treasurer of the citizens' committee; pp. 8417 ff., testimony of Mayor Daniel J. Shields.

sought to create the impression that he had paid for the tear gas out of this \$31,000 whereas officers of the Bethlehem Steel Corporation stated that they had paid for it directly.18 In plain words, Mayor Shields was faced with a charge of bribery, and the testimony in which he asserted that he paid for the gas out of funds furnished through the Citizens' Committee must be regarded in the light of that charge.

Concerning the ordering of this tear gas, the testimony of the superintendent of the Bethlehem mill conflicted with the testimony of the mayor. C. R. Ellicott, the Bethlehem superintendent, testified that he had discussed with the mayor, the day after the strike started, the possibility that the city of Johnstown would have to purchase

tear gas. He said:

and when he (Mayor Shields) finally said that he had no appropriation to buy tear gas I said, "Well, the thing for you to do is to protect yourself. Go ahead and get the tear gas and let the paying of the gas take care of itself." 14

Senator Thomas. You surely left with him (Mayor Shields) then the impression that he was to get what he wanted and that you would foot the bill? Mr. Ellicott. I guess that is what you would conclude. 15

Mayor Shields testified that on June 12, the day after the strike started, he was accosted by a man who wanted to sell gas to the chief of police. The mayor said that he sent this man to the chief and later that day O. K.'d the requisitions for gas which the chief brought him. When asked to comment on Mr. Ellicott's testimony, above referred to, Mayor Shields said:

but I want to emphatically say that I never discussed gas at any time with Mr. Ellicott.16

And I deny every part of that, never-dealt with the Bethlehem Steel directly or indirectly in the acquisition of gas, and above all things would I ever go to the general manager and ask him to buy gas for the city of Johnstown? Johnstown is not wealthy, but at the same time, if the emergency arises like the floods and strikes, and so forth, we can do things.

Senator LA FOLLETTE. You then deny that these statements and this testi-

mony of Mr. Ellicott is true in any degree?

Mr. Shields. It is untrue to the nth degree. 17

According to Charles E. Adams, of the Pennsylvania Railroad, he actually ordered the gas at Mr. Ellicott's direction. His affidavit reads in part as follows:

In discussion with Mr. Ellicott of the Steel Co., it developed that the Johnstown city police were not equipped with gas, and he asked if I knew how and where such gas might be purchased and delivered to the City Service Building. sequently he asked that I arrange for such delivery of five units to the City Service Building. In compliance I contacted Mr. A. H. Baum, representative of the Federal Laboratories at Pittsburgh, and he did deliver the five units as requested to the City Service Building in the first few days of the strike.<sup>18</sup>

Mr. Ellicott, however, failed to mention that he had directed Mr. Adams to purchase the gas and denied that he knew anything further about the ordering.19

Pt. 19, p. 8421, testimony of Mayor Daniel J. Shields; pp. 8363 ff., testimony of C. R. Ellicott and Sidney 16 Pt. 19, p. 8350. 16 Pt. 19, p. 8350. 16 Pt. 19, p. 8351. 16 Pt. 19, p. 8422. 17 Ibid, p. 8424. 18 Pt. 19, p. 8570. 19 Pt. 19, p. 8351.

As to the circumstances of the original order for this gas, the committee cannot but conclude that the matter was discussed by officials of the Bethlehem plant with officials of the city of Johnstown and that assurances were given that the corporation would stand the expense of gas bought for the city. That an official of the Pennsylvania Railroad should act as intermediary, throughout the whole course of dealings from original order to final payment, indicates the care which was taken to conceal the transaction.

The mayor's statement that he paid for the gas is in conflict with the testimony of all the other parties. Mr. Ellicott, Mr. Evans, and Mr. Adams all agree that Evans withdrew \$5,300.33 in cash with Ellicott's O. K. and gave it to Adams who paid it to Federal Laboratories Agent Baum for three of the four invoices.20 Mr. Adams' independent testimony is that the Pennsylvania Railroad paid for the other \$1,006.20. In commenting on this testimony of Messrs. Ellicott and Evans, Mayor Shields remarked:

\* there is something screwy about the gas. I have the receipt for the gas, and I am going to assume that I paid the gas, because I recall the man being around the office, although the amount is not the amount turned in last evening \* \* \* Among other things, that is included there in that \$31.000.21 Among other things, that is included there in that \$31,000.21

Mayor Shields was very careful in his choice of words not to say. flatly that he paid for the \$6,306.53 worth of gas. He again used the word "assume" in his testimony:

I have my receipt and my assumption is that I paid for it.22

When Mayor Shields furnished the three invoices in response to the committee's request, they bore the notation "Received Payment. Federal Laboratories, June 17, 1937. Per A. H. B."23 This in no way indicated that the mayor had paid for the gas or who did pay for it, and, indeed, confirmed Mr. Adams' understanding, stated in his affidavit, that A. H. Baum, of Federal Laboratories, "receipted all invoices and delivered them to the city."24

From the evidence, which we deem entirely sufficient, the only conclusion possible is that the gas was paid for as described by the Bethlehem and Pennsylvania Railroad officials and that Mayor Shields was skating very close to the edge of perjury when he tried to

"assume" that he paid for it.

It might be possible to pass over the entire fantastic episode with Mayor Shield's remark, "there is something screwy about the gas," were it not for its much more serious implications. It would be a farce if the players in the episode were not persons in positions of responsibility for the lives and welfare of thousands of others. elaborate and conspiratorial devices adopted by the parties to the transaction were designed only to conceal and evade responsibility for what was in effect part of a scheme to corrupt the enforcement of law. The entire episode presents an example of the sort of situation which the act of June 4, 1937, was designed to prohibit. Had the statute been in effect at the time of the transaction, the purchase,

<sup>\*\*</sup> Pt. 19, pp. 8363, ff., and pp. 8570 ff.

\*\* Pt. 19, p. 8421.

\*\* Pt. 19, p. 8424.

\*\* Exhibit 8752 in a subsequent volume.

\*\* Pt. 19, exhibit 4054, p. 8571. The committee attempted for several days during the Johnstown hearings tereach Mr. Baum for his version of the story. He successfully evaded committee agents.

under either version of the testiniony, would have constituted a criminal offense.26 If the gas which had been delivered to Mayor Shields was paid for by the Bethlehem Steel Corporation and the Pennsylvania Railroad, as the weight of the evidence and testimony indicates, the mayor, the Bethlehem Steel Corporation, and the Pennsylvania Railroad would have been guilty. If the gas equipment was paid for by Mayor Shields out of the funds supplied to him by the Johnstown Citizens Committee, as seems entirely improbable from evidence and testimony, the mayor and the officials of the Johnstown Citizens Committee would have been participants in the offense.

#### SECTION 3. PREVALENCE OF THE PRACTICE

The committee's record shows that the practice of private payment for munitions furnished to public authority is prevalent in almost all regions of the country. In Ohio the Goodyear Tire & Rubber Co., in March 1936, purchased \$11,378.69 of gas and gas equipment, all of which, with the exception of some \$1,300 worth, was made available to the sheriff of Summitt County, in Akron, Ohio.26 The exact place of delivery of this gas and gas equipment is in doubt. In oral testimony before the committee, Mr. Litchfield, president of the Goodyear Tire & Rubber Co. stated, "I imagine they were delivered to the sheriff and police force, because they had their own men inside our plant."27 In a written statement submitted to the committee Mr. Litchfield said—

the equipment was delivered to the sheriff of Summitt County and was in his possession for some weeks. It was never in Goodyear's possession until sometime after the strike was settled and was never intended for use by Goodyear but only for use by the sheriff.28

These statements still leave in doubt whether the sheriff had posses-

sion of the gas in the Goodyear plant or in his own office.

The same practice is followed by industrial companies in Southern States. For example, The Hutchens Co., of Huntsville, Ala., was billed for \$129.94 worth of gas equipment which was shipped to the chief of police of Huntsville, Ala., on September 13, 1933; for \$360.50 worth of gas equipment shipped to the sheriff of Madison County. Huntsville, Ala., on August 30, 1933; and for an additional order amounting to \$190.95 for the Huntsville chief of police on July 19, 1934.29 \$841.95 worth of gas was sold by Federal Laboratories, Inc., to the Bemis Bros. Bag Co., of Talladega, Ala., and delivered to Sam Burns, the sheriff-elect, on September 5, 1934, shortly after the general textile strike started.30 Also during the general textile strike of September 1934, the town of Porterdale, Ga., received \$689.84 worth of Federal Laboratories gas which was invoiced to the Bibb Manufacturing Co.31

During the hard-fought strike at the Columbian Enameling & Stamping Co. in July 1935, at Terre Haute, Ind., the company pur-

<sup>\*\*</sup> The effective date of the act was July 4, 1937.

\*\* See appendix A; see also p. 85.

\*\* See pt. 8, p. 2951.

\*\* Pt. 15-C, exhibit 3067, pp. 6457-6458, statement of Paul W. Litchfield, dated October 2, 1936.

\*\* Pt. 15-D, exhibit 3572, p. 6951, a list of sales of tear and sickening gas and gas equipment by Federal Laboratories, Inc.

\*\* Ibid.

n Ibid. p. 6958.

chased \$5,482.02 worth of gas equipment. The largest of several orders making up this total was for \$2,987.50 which, according to the invoice of the Mannville Manufacturing Corporation, was "delivered to the police department."32

An order for tear gas for the city of Flint, Mich., in September 1933, was billed to the "Manufacturers Association of Flint," and the salesman forwarding the order stated that he believed the material was

intended for the Chevrolet Motor Co.88

During the Pacific coast water-front strike of 1934, the Seattle and Tacoma, Wash., Chambers of Commerce provided large amounts of gas equipment to the police departments of Seattle and Tacoma and the King County sheriff's office in Seattle. During the months of July and August 1934, the Seattle Chamber of Commerce, through a "Citizens Emergency Strike Committee," purchased \$4,910.61 worth of gas equipment from Federal Laboratories, Inc., and the Lake Erie Chemical Co.34 The manner of purchase was described in an affidavit of the Federal Laboratories' dealer who sold a considerable portion of this material, in part as follows:

\* \* \* that no purchase orders were received from the city of Seattle or the county of King, Washington, covering Federal Laboratories, Inc., or J. Warshal & Sons invoices or delivery receipts for the above mentioned material; that the above mentioned material delivered in July, 1934, was ordered by the Seattle Chamber of Commerce, or one of its various committees, but was delivered to the Seattle Police Department and signed for by members of that department, or was delivered to the sheriff's office, King County, and signed for by members of the sheriff's office. The material delivered on consignment in this manner was paid for by the Chamber of Commerce, Seattle, or by the Committee of 500, Seattle Washington, if used.35

During the oil-tanker strike in the spring of 1935, a salesman for the Lake Erie Chemical Co. reported that the city of Seattle was attempting to persuade the oil companies to buy the gas and gas equipment.36 Later on the same salesman had hopes that "a Committee of 500" apparently connected with the chamber of commerce would provide funds for the \$962.42 worth of gas ultimately purchased for use in this strike.37

The record contains evidence of private payment for machine guns furnished to law-enforcement officials as well as gas and gas equip-In Tacoma, Wash., during the waterfront strike in the summer of 1934, the chamber of commerce purchased not only gas and gas equipment amounting to \$1,727.55 for the city, but also two Thompson submachine guns. The purchase was not made directly by the chamber of commerce but by a committee of businessmen known as the Citizens Emergency Committee. The machine guns, together with 32 magazines and 1,000 rounds of auto shot cartridges, were shipped directly to the city of Tacoma. That the Citizens Emergency Committee was closely affiliated with the chamber of

<sup>13</sup> Pt. 2, exhibit 191, p. 585, a list of sales of tear and sickening gas and gas equipment by the Manville Manufacturing Corporation.

13 Pt. 2, exhibit 234, p. 410, letter from the Lake Eric Chemical Co. salesman, Paul H. Kilian, to A. S. Ailes, dated September 30, 1933.

14 See appendix A, p. 198.

15 Pt. 15-D, exhibit 5381-A, p. 7000, affidavit of Adolph Warshal, Federal Laboratories salesman.

16 Pt. 15-D, exhibit 3769, p. 7213, a letter from B. C. Dinius to A. S. Ailes, dated March 30, 1935.

17 Pt. 15-D, exhibit 3760, p. 7214, a letter from B. C. Dinius to A. S. Ailes, dated April 3, 1935.

18 Pt. 15-D, exhibit 3760, p. 7214, a letter from B. C. Dinius to A. S. Ailes, dated April 3, 1935.

commerce is indicated by the fact that its representatives used the chamber of commerce letterhead.38

This purchase apparently violated the Washington statute prohibiting persons other than peace officers from owning, buying, or furnishing machine guns.39

Other examples of sales of Thompson submachine guns by Federal Laboratories, ostensibly to law-enforcement bodies where funds were

actually provided by private interests, are as follows:

Four submachine guns and ammunition amounting to \$1,002 were delivered to the city of West Point, Ga., during the 1934 textile strike and paid for and later used in violation of the National Firearms Act by the West Point Manufacturing Co.40 The Idaho Maryland Mines Corporation paid for three Thompson submachine guns shipped to Nevada County, Calif., in May 1934, the guns and ammunition amounting to \$838.25.41 The Louis Hagen Post No. 340 of the American Legion paid for one "tommy" gun shipped to the city of El Cerrito, Calif., in April 1935.42 The Chrysler Corporation advanced funds in May or June 1936 for the purchase of one submachine gun by the police department of the city of Hamtramck, Mich., where most of the Chrysler plants are located.43

The steel strike in Ambridge, Pa., in October 1933 provided a further instance of the purchase of munitions for law-enforcement agencies by private interests affected by a strike. This short-lived strike started on or about October 3, 1933, in the plants of the Central Tube Co., Spang Chalfant & Co., Inc., and Wykoff Drawn Steel Co. The city of Ambridge is located in Beaver County. President John W. Young of Federal Laboratories, Inc., which experienced a brief burst of business during this strike, testified that because of

unruly picketing-

\* \* they called me into a conference in the county commissioners' office, said they wanted 200 shotguns to clear up the situation, if need be, even if they had to kill fifteen or twenty people, and I protested. I said, in this day and age, that should not be tried \* \* \* \*.45 that should not be tried

Mr. Young did not give the names of the persons present in the Beaver County Commissioners' office who wanted 200 shotguns to kill 15 or 20 people if necessary "to clear up the situation." The effect of Mr. Young's humanitarian protest against the plans he heard discussed is indicated by the nature of the orders for munitions which he subsequently delivered to the authorities of Beaver County within the next few days. In addition to \$3,582.50 worth of gas equipment, Federal Laboratories, Inc., which does not handle shot--guns, delivered 4 Thompson submachine guns and 3,000 rounds of

<sup>\*\*</sup> See appendix A, p. 197. See also pt. 15-D, exhibit 3581-A, pp. 6999-7000; pt. 15-D, exhibit 3582, p. 7003; and pt. 15-D, exhibit 3583, p. 7004.

\*\* Washington Laws, 1933, p. 335 § 1. Remington's Revised Statutes of Washington, 1938 supplement, title 14, ch. 7, sec. 2518 (1-4), pp. 48-49.

\*\* Pt. 7, pp. 2483 ff.

\*\* Ibid, p. 2455.

\*\* Statement furnished to the committee by the Chrysler Corporation.

\*\* Data from Bureau of Labor Statistics, United States Department of Labor. For the gas purchases of these 3 companies during this strike, totaling \$10,032.15, see appendix A.

\*\* Pt. 7, p. 2467.

ammunition for them to the office of the sheriff of Beaver County. The interest of one of the companies affected by this strike in the arming of the sheriff's force is indicated by the records of Federal Laboratories, Inc., which show that the Central Tube Co. paid for:

these four Thompson submachine guns.

The practice of arming law-enforcement agencies with an employer's funds is encouraged by the companies selling munitions. When Joseph M. Roush, former Federal Laboratories California salesman, was questioned as to whether his organization had suggested to many law-enforcement bodies that they secure funds from private corporations to pay for munitions, he testified:

This was a general practice of Federal Laboratories and stressed at their convention (of salesmen) of 1934.

And further about the same subject he said:

The company suggested the use of this method for protection in guarding of monies and in labor disputes where adequate funds were not available.47

#### SECTION 4. CALIFORNIA

In California a statute requires that persons or corporations desiring to purchase or possess tear gas must secure a permit from the State Division of Criminal Identification and Investigation.<sup>48</sup> The general operation and effect of this statute will be discussed below. It was passed, obviously, in an effort to remedy or control some of the evils arising from the unregulated private possession and purchase of tear It did not, however, have any effect upon the private purchase of tear gas for use by law-enforcement officials. In fact, the chief of the State Division of Criminal Identification and Investigation gave his official approval to the practice of private purchase for public authority. The question came up during a strike on the Los Angeles Street Railway in December 1934. On December 6, 1934, George (Jimmie) F. Čake, salesman for Federal Laboratories, Inc., wrote to C. S. Morrill, chief of the California State Division of Criminal Identification and Investigation, as follows:

As you know, the Los Angeles Police Department is using tear gas during the present streetcar strike with fine results. However, a question has arisen in my mind which I would like you to answer for me. Two gas orders 50 have been placed with me by the local street railway company, but delivery in both instances was made to the police department. At no time have any members or employees of the car company had in their possession any tear gas. Therefore, I assumed it would not be necessary for the car company to take out a permit. Is my assumption correct? 51

# Mr. Morrill replied on December 18, 1934;

As long as actual delivery of tear-gas supplies is made to a police department or sheriff's office for use in general preservation of the public peace, we do not believe

<sup>44</sup> Pt. 15-D, exhibit 3572, p. 6976. A list of sales of tear and sickening gas and gas equipment by Federal Laboratories, Inc., and pt. 15-D exhibit 3656, p. 7057, Federal Laboratories, Inc. invoice to Beaver County, Beaver, Pa., for \$1,165.50. Although the invoice indicates that the four Thompson submachine guns were shipped on October 9, 1933, the photograph on p. 1 of the Pittsburgh Sun-Telegraph of October 6, 1933, shows a special officer using what is unmistakably a Thompson submachine gun during the progress of a strike riot in Ambridge on October 5, 1933.

47 Pt. 15-D, exhibit 3712, p. 7130 deposition of J. M. Roush.

48 California Laws (1931, amended 1933) Dearing's General Law (1937) vol. 1, act 2955, secs. 1-7.

49 See ch. VIII, pp. 174-176.

40 \$430 and \$1,287.99. See pt. 15-D, exhibit 3572, p. 6953.

50 Pt. 15-D, exhibit 3576, p. 6994.

that it is improper for a private corporation to supply the funds with whichpayment is made.52

In this very strike, news that private interests were purchasing gas. for the police to use against their own employees created a sensation, and public opinion put an end in this instance, to the practice on which the chief of the Division of Criminal Identification and Investigation had placed his official approval. During this strike gas was set off in the downtown district of Los Angeles, much to the annoyance of the citizens. 53 An enterprising newspaper reporter discovered that the gas was being purchased by the Los Angeles Street Railway for the police department, and published that fact. Writing shortly afterward, in a report to his superiors on December 8, 1934, Mr. Cake said:

The worst of the whole thing is that I had my third order all set to go through the car company when that same day this article appeared, of course, it blocked my order from that angle. \* \* \*.44 my order from that angle,

Thereafter the city was compelled to purchase the gas from its own This incident demonstrates the general and effective public disapproval of the practice of private and secret purchase of weapons

for public authorities.

The practice of private purchase is common throughout the State of The State agencies themselves have received munitions from private parties on several occasions. The record shows that the California State Highway Patrol, in at least two instances, received

gas which had been privately purchased.

During the lumber workers' strike at Eureka, Calif., in June 1935, Federal Laboratories, Inc., through its agent, Joseph M. Roush, sold several thousand dollars' worth of gas equipment to the lumber companies, the city of Eureka, and Humboldt County.55 When questioned regarding these sales Mr. Roush stated that part of them had been donated to the California Highway Patrol, which was on duty in Eureka during the strike.

Q. I note that document 2, the order contract for the Eureka-Stevedoring Co. states that the goods were delivered to the California Highway Patrol. these goods so delivered?—A. Yes; they were donated to the California Highway Patrol on my recommendation.

Q. But paid for by the Eureka-Stevedoring Co.—A. That is correct.50

Immediately after this strike salesman Roush wrote to the chief of the California Highway Patrol regarding the donation of equipment to the patrol by the lumber companies:

I sat in at a meeting of the officials of the various lumber companies and to a man they expressed their feeling that Inspector Holden and the patrol had performed unusual services to each one of the companies during the present strike.

It was my pleasure to deliver to Inspector Holden and Captain Kirkpatrick two complete kits of protection equipment, that the lumber companies donated for services rendered.<sup>57</sup>

Pt. 15-D, exhibit 3577, p. 6995.

Pt. 15-D, exhibit 3578, p. 6997.

Pt. 15-D, exhibit 3578, p. 6996.

See Pt. 15-D, exhibit 3572, pp. 6952-6953, a list of sales of tear and sickening gas and gas equipment by Federal Laboratories, Inc., from January 1933 to March 1937.

Pt. 15-D, exhibit 3712, p. 7157, deposition of Joseph M. Roush.

Letter of J. M. Roush to E. Raymond Cato, chief, California highway patrol, June 6, 1935, to be published in a subsequent volume of the committee's record.

In this instance, the salesman appears to have considered the donation of gas equipment as in the nature of a gratuity or reward for the activities of the Highway Patrol during the strike. The record does not disclose what activities of the patrol could be characterized

as "services rendered" the employers involved in the strike.

The California Highway Patrol received equipment from other employers during their periods of strike duty. During the lettuce pickers' strike at Salinas, Calif., in September 1934, salesman Ignatius H. McCarty, of the Lake Erie Chemical Co., delivered \$287 worth of gas equipment to the California Highway Patrol detail assigned to the strike. 58 Mr. McCarty wrote the Lake Erie Chemical Co. in explanation of this order, "This was a present to the highway patrol from the growers' secret fund."59

The sales records of the munitions companies and the correspondence of the salesmen reveal a number of other examples of this type

of payment during strikes in California.

During an agricultural workers' strike in Imperial County, Calif. in February 1935, Federal Laboratories, Inc., sold \$939.09 worth of gas equipment to the local law-enforcement agencies and to the packers of agricultural produce who were affected by the strike. This gas equipment included the following shipments: \$332.75 worth of gas equipment shipped to the police department of the city of El Centro, Calif., and billed to the H. P. Garin Co.; \$102.23 worth of gas equipment delivered to the El Centro police department and billed to the Hall Packing Co.; \$102.23 worth of equipment delivered to constable Hugh L. Keating, El Centro, and billed to the Golden Valley Produce Co.60 The gas salesman who made these sales described the transactions as follows:

The orders I took from private companies was on goods delivered to the police department. The same way as we handled the L. A. Railway business. police department receives and uses the equipment, but the bills are sent to parties appearing on the orders.61

According to the committee's record, the largest amount of gas and gas equipment ever purchased by private funds for public authorities was the \$20,000 worth of equipment supplied to the San Francisco police department during the months of May, June, and July, 1934, during the maritime and longshoremen's strikes. The circumstances surrounding the payment for this great quantity of gas furnishes an extraordinary example of the political intrigue and blackmail that are latent in the practice of the private purchase of munitions for public The circumstances of the purchase of tear gas at Johnstown in 1937 and at Los Angeles during the street railway strike in 1934, make it evident that the chief concern of participants in such transactions is to keep their activities secret. Public disclosure is feared because it will result in public scandal. In San Francisco in 1934 this need for

<sup>44</sup> Pt. 2, exhibit 191, p. 566, a list of sales of tear and sickening gas and gas equipment by the Lake Erie Chemical Co. for the period January 1933 through September 1936.

46 Pt. 2, exhibit 253, p. 638, a letter from I. H. McCarty to A. S. Ailes, dated September 23, 1934.

47 Pt. 15-D, exhibit 3572, p. 6952. List of sales of tear and sickening gas and gas equipment by Federal Laboratories, Inc.

48 Pt. 7, exhibit 858, p. 2655. A letter from Federal Laboratories Agent George F. (Jim) Cake to Agent Joseph M. Roush, dated February 20, 1935. See also pt. 15-D, exhibit 3579, p. 6998; a report of salesman D. J. Wright, of Federal Laboratories, Inc., dated May 15, 1934, stating that Captain Hynes of the Red Squad of the Los Angeles Police Department placed a small order for tear gas, and added "the harbor companies gave him the money to pay for the equipment when they couldn't buy it for themselves."

secrecy was used as a weapon in a bitter competitive fight between salesmen of private munitions firms, each seeking payment from private interests.

Ignatius H. McCarty, salesman for the Lake Erie Chemical Co., informed his superiors that early in the 1934 strike the San Francisco

chief of police was

in possession of an unlimited order from "public spirited citizens" directing me to deliver up to \$50,000 worth of gas on his order and without cost to the taxpayers.

During the strike, Mr. McCarty delivered some \$5,500 worth of gas to

the police department under this blanket order.63

Mr. McCarty's correspondence reflects that he was aware of the identity of these "public-spirited citizens." On July 4, 1934, writing during the strike, he says:

Just spoke on the phone with the shipowners who authorized me to deliver all the gas needed by the police department as well as additional masks.4

The "public-spirited citizens" are further identified as the "Waterfront Employers Union" in a letter from McCarty to Mr. Ailes, in which he states that "this material was purchased 'confidentially' and to publicly advertise the fact would be a violation of the condition of sale." 65

Mr. McCarty, realizing that this method of purchasing gas was open to question, was careful to protect himself. He was an expert in the installation and use of dictagraph equipment, and rented dictagraphs, as a part of his detective-agency business, in addition to selling tear gas. According to his own correspondence he made dictaphone records of conferences pertaining to his dealings with the Waterfront Employers Union.66

Federal Laboratories, Inc., represented by Salesman Joseph M. Roush, without any special arrangement with private employers, delivered approximately \$18,000 worth of gas equipment to the San Francisco Police Department during the first few days of July 1934, shortly before the general strike occurred. Part of this equipment was subsequently returned to the company and the final bill rendered the department was \$13,809.11.67 The bulk of this order was over 1,000 long-range gas projectiles and several hundred grenades.68

Mr. Roush delivered this equipment to the city without formal The city did not call for competitive bids for these authorization. purchases as it should have done. When Federal Laboratories presented its bill to the city for payment, Mr. McCarty, inspired by his usual hostility for his chief competitor, sought, in every way possible, to prevent the payment of the bill.69 McCarty's principal weapon in the struggle was his threat to expose his own dealings with the Waterfront Employers Union if the city paid Federal Laboratories' He recounted the details of his efforts in his correspondence with A. S. Ailes, sales manager of the Lake Erie Chemical Co. On August 25, 1934, he wrote:

<sup>42</sup> Pt. 2, exhibit 252, p. 635, a letter from I. H. McCarty to A. S. Alles, dated August 25, 1934.
44 Ibid. See also appendix A for purchases by the Waterfront Employers Union.
44 Pt. 2, exhibit 248, p. 635, a letter from I. H. McCarty to A. S. Alles, dated July 4, 1934.
45 Pt. 15-D, exhibit 3770, p. 7224, a letter from I. H. McCarty to A. S. Alles, dated October 12, 1934.
46 Pt. 2, exhibit 252, pp. 635 ff, a letter from I. H. McCarty to A. S. Alles, dated August 25, 1934.
47 Pt. 15-D, exhibit 3708, p. 7095, deposition of J. M. Roush.
48 Pt. 2, exhibit 249, p. 632, a letter from J. M. Roush to William J. Quinn, chief of police, San Francisco, dated July 11, 1934.
48 Pt. 15-D, exhibit 3708, p. 7095 ff., deposition of Joseph M. Roush.

Yesterday I received a call from the representative of the people who purchased the gas, he having been sent to me by the mayor in an effort to save embarrassment over my opposition to the bill. This man explained that if the unions or other people found out that they donated this equipment it would raise hell. I told him that at no time had their names been mentioned and that any information on this must have come from the chief. I explained that he should bring pressure on the mayor and force the return of the Federal gas, otherwise I would file suit as a taxpayer and the whole rotten graft be brought into court.70

In this threat Mr. McCarty overplayed his hand. Federal Laboratories, Inc., was in a position to sue for payment of its bill, and such a suit would likewise have brought the whole matter out into the The employer group who had paid for the Lake Erie gas naturally had every interest in keeping the matter a secret. only possible escape from the situation was to pay the Federal Laboratories' bill as covertly and surreptitiously as possible. All the parties concerned, except McCarty, were anxious that that bill be paid. On October 20, 1934, Mr. Roush wrote to his superiors in Pittsburgh as follows:

I bring up the San Francisco situation again. Chief Quinn tells me that the city, the chamber of commerce, and the steamship companies are each willing to pay the bill; however, due to McCarty threatening to bring out a public exposure, all three have held up on payment until something can be worked out so there will be no public demonstration.71

Payment by private interests was preferable because payment from public funds could not be concealed. The final arrangements made were extraordinarily intricate. Bailey H. Barker, vice president of Federal Laboratories, and Mr. Roush, called on Ashfield Stow, assistant to T. G. Plant, who was not only operating manager of the American-Hawaiian Steamship Co., but also president of the Waterfront Employers Union of San Francisco. According to Mr. Roush—

It was finally agreed between Mr. Stow and Mr. Barker that an invoice of the correct amount that the city of San Francisco owed Federal Laboratories would be placed in escrow and that he, Mr. Stow, hoped that someone would go in and pay that invoice. The invoice was placed in the Bank of America at Market and Montgomery.<sup>72</sup>

Several other persons who, according to Mr. Barker, were also connected with the steamship companies were interviewed concerning the matter.73 The invoice was placed in the Bank of America and within 2 days an unidentified person, as Mr. Stow had "hoped," went into the bank, paid \$13,809.12 in cash, and was given a sealed envelope containing the invoice.74

Neither Mr. Roush, Mr. Barker, nor Mr. Stow, all of whom were examined by the committee or its representatives, could remember who paid the bill. Mr. Stow, after stating that he could not remember anything about the payment of it, added:

As a matter of opinion, I can't see why anybody shouldn't have been perfectly willing to pay the bill. There is nothing dirty about paying the bill, and if they did pay for it why not say so. But I can't see any reason why anybody should pay the bill. I don't know of any liability on anybody's part to pay the bill.

<sup>70</sup> Pt. 2, exhibit 252, p. 636.
71 Leter from J. M. Roush to B. H. Barker, October 20, 1934, quoted in deposition of J. M. Roush, exhibit 3708, pt. 15-D, exhibit 3708, p. 7099.
72 Pt. 15-D, exhibit 3708, p. 7098, deposition of Joseph M. Roush.
73 Pt. 7, p. 2451, testimony of B. H. Barker.
74 Pt. 15-D, exhibit 3710, p. 7101, letter from T. G. Dempsey, proassistant cashier, Bank of America, to Federal Laboratories, Inc., November 5, 1934.
75 Pt. 15-D, exhibit 3711, p. 7107, deposition of Ashfield E. Stow.

Mr. Stow may have been correct that there was no liability on anyone to pay the bill. There was, however, the threat of imminent exposure, wielded by the implacable Ignatius McCarty. It was worth nearly \$14,000 to some of the participants in the transaction to prevent the public from knowing that the Waterfront Employers Union had purchased \$5,500 worth of gas for the San Francisco Police Department to use against the striking longshoremen.

#### "LITTLE STEEL" STRIKE OF 1987 AND REPUBLIC SECTION 5. THE STEEL CORPORATION

During the "Little Steel" strike of 1937, the Youngstown Sheet & Tube Co. and the Republic Steel Corporation, both donated gas and gas equipment to law-enforcement officials in those communities where they had plants. Some weeks before the strike began, James M. Woltz, chief of police for the Youngstown Sheet & Tube Co., and James L. Williams, chief of police for the Republic Steel Corporation, conferred in Youngstown with the sheriff of Mahoning County, Ralph Elser, 76 and local police chiefs. At this conference, Mr. Woltz offered to supply the sheriff with tear gas, and Mr. Williams offered any sort of munitions that the sheriff might desire. On May 25, 1937, the Youngstown Sheet & Tube Co. purchased some \$950 of gas munitions which were sent to the sheriff.78 The great stocks of munitions which the Youngstown Sheet & Tube Co. had on hand, were also drawn upon for the use of the sheriff. According to Mr. Woltz's testimony, he furnished to the sheriff, out of the company's aresnal, a number of hand grenades, star shells, and night sticks. Mr. Woltz was not certain that he had not furnished the sheriff with revolvers as Mr. Williams testified that he never made good on his offer to the sheriff or actually furnished him with any munitions.<sup>79</sup>

The Republic Steel Corporation did, however, furnish tear gas in large quantities to the public authorities in Youngstown during the strike. On June 19 a riot occurred at a gate of the Republic Steel Corporation in Youngstown, commonly designated as "stop 5." This riot, one of the most serious in the whole history of the strike, will be discussed in detail in the committee's report on the "Little Steel" strike of 1937. It was precipitated when Captain Richmond, of the Youngstown city police, threw tear-gas grenades at a group of women pickets in the late afternoon of June 19, and it continued well into the night. During the riot, Captain Richmond called upon W. Earl Butler, captain of police for the Republic Steel Corporation

in the Youngstown district, for gas and gas equipment.

Captain Butler could not remember exactly how much gas he had given to the city authorities during this riot, but he stated that he had piled a large table 4 or 5 feet high with grenades and shells, and that all of this gas was taken by the city police and used in the riot.<sup>80</sup> After this riot, Captain Butler was compelled to replenish his own supply of gas.81

<sup>\*\*</sup> Pt. 27, p. 11295, testimony of James L. Williams; ibid., p. 11252, testimony of James M. Woltz.

7 Pt. 27, p. 11253, testimony of James M. Woltz; ibid., p. 11295, testimony of James L. Williams.

7 Pt. 27, p. 11249, exhibit 4621, testimony of James M. Woltz.

8 Pt. 27, p. 11296.

8 Pt. 29, pp. 11820-11824, testimony of Capt. Earl Butler.

8 Bt. 29, pp. 11820-11824, testimony of Capt. Earl Butler.

The Republic Steel Corporation extended the practice of furnishing munitions to law-enforcement authorities to practically all of those communities in which its plants were affected by the strike. In some instances these gifts were accompanied by requests or demands that the public authorities take more aggressive action against pickets and strikers.

Roy Hardman, sheriff of Trumbull County, Ohio, in which the Warren and Niles plants of the Republic Steel Corporation are situated, returning home one Sunday in June during the steel strike, discovered large quantities of gas in his office and his living quarters. He did not know who had delivered this gas. Records of Federal Laboratories, Inc., show a sale to the sheriff of Trumbull County on June 7, 1937, in the amount of \$2,800.40, which the Republic police captain stationed in Warren testified he paid for.82

On June 9, 1937, Sheriff Hardman received a letter from Frank E. Flynn, district manager of the Republic Steel Corporation for the

Warren and Niles district, insisting that the sheriff

take active steps immediately to enforce order and peace in the C. I. O. picket lines so that we may reopen our plants and all of our employees resume their lawful occupation.

The coincidence of the gift of munitions and the demand for action

was obviously not accidental.84

At Massillon, Ohio, Republic's practice of furnishing arms to the local authorities was of long standing. During the strike at the plants of the Republic Steel Corporation in Canton, adjoining Massillon, in May 1935, the city of Massillon, apparently fearing that the strike would spread to the plants of the corporation there, purchased \$315 worth of gas and gas equipment.<sup>85</sup> The arrangements for the purchase of this gas equipment are disclosed in a letter dated June 7, 1935. from the city auditor of Massillon to the district manager of the Republic Steel Corporation:

DEAR SIR: As per your telephone conversation on Tuesday, May 28th, 1935, with Mayor Limbach, I am enclosing herewith copies of invoice in the amount of

\$315.00 from the Braham Laboratories, Inc.

This invoice as you will note covers material or equipment which was thought necessary in the event of trouble expected in the recent labor controversy.\*\*

Shortly thereafter the Republic Steel Corporation issued its check for \$315 to the city of Massillon in payment of the invoice for the gas.

The strike did not spread to Massillon in 1935 and there was no occasion for the use of this gas. Two years later, when the "Little Steel" strike began in May of 1937, Stanley W. Switter, chief of police of Massillon, had on hand, according to his testimony, approximately \$300 worth of gas.88 This gas was apparently the same gas given by the Republic Steel Corporation in 1935.

Pt. 31, testimony of Sheriff Roy Hardman; pt. 15-D, exhibit 3694, p. 7061; and pt. 31, testimony of Capt. Millard Hannan, of the Ropublic police.

Pt. 31, exhibit 4976.

Sheriff Hardman testified that at the time he received the gas, he felt that he needed more arms and munitions (pt. 31). The character of the picketing in Warren at this time, and the police problems raised by the strike in Warren and elsewhere will be discussed more fully in the committee's forthcoming report on the "Little Steel" strike.

For description of this strike in Canton, see S. Rept. No. 6, pt. 2, Private Police Systems, pp. 126-144.

See also this report, pp. 107-115. For evidence of this purchase of gas by the city of Massillon in 1935, see pt. 23, exhibit 4318-32, p. 9943.

Pt. 23, exhibit 4318-31; p. 9943.

Pt. 23, exhibit 4318-30, p. 9942.

During the strike in 1937 officials and representatives of the Republic Steel Corporation insistently sought Chief of Police Switter to take drastic action against the strikers. Carl Meyers, district manager of the Corporation for the Canton and Massillon district, had frequent conferences with Chief Switter in Canton during the strike. According to Mr. Switter's testimony in a case before the National Labor Relations Board, testimony which Mr. Switter confirmed before this committee, Mr. Meyers referred to the action of the Chicago police as an example which the Massillon police should follow. Switter described the conferences as follows: 89

- Q. At the beginning of this conference with Mr. Meyers what did Mr. Meyers say to you?—A. He wanted to know what the hell was going on over there; were we going to allow the hoodlums to run things; and why they cut the telephone wires, and why the hell we didn't take action such as the Chicago police did in putting them where they belonged.
- Q. What did he say? Do you remember his exact words that he used in regard to the Chicago police?—A. He said they knew how to handle the situation if we did not, and if we didn't wake up we wouldn't need what police force we had; we wouldn't need a chief of police, and we wouldn't need a city solicitor, and we wouldn't even have a first-class post office; that Massillon would be a junction if that mill shut down, which it looked as if it would with the wires cut and they would have to evacuate the offices \* \* \*. would have to evacuate the offices

Carl Meyers was examined before the committee concerning these conferences with Chief Switter. After testifying that, in his opinion, Mr. Switter had failed adequately to police the strike situation, and stating that employees of the company could not get into the company's offices at Massillon or into the plant, Mr. Meyers did not deny that he had pointed to the Chicago police as an example of the kind of police protection that he desired. His testimony in full on this subject is as follows:90

And the statement that he made that I should have said at the time, "Why don't you see to treat them like you did in Chicago and Buffalo"—I did not mention Buffalo, but he said, "I put them where they belong"—is his statement. And I made no such statement as putting them where they belong. I have too

much respect for my employees and always will have.

Senator La Follette. Did you make the statement to the general effect—
Mr. Meyers (interrupting). I made this statement, Senator. I said:

If we lose two million dollars' worth of equipment, it just means that there is a possible chance that that plant will not operate again, because that equipment would not be replaced, for our plant at Canton has never been full ever since the depression. We have been operating both divisions and operating Massillon at

a loss, because of their higher costs than Canton.

Senator LA FOLLETTE. Did you or did you not make the statement that Chief Switter attributed to you that the city would not need a police department, or a

mayor, or words to that general effect?

Mr. MEYERS. That was led into my mouth by the citizens themselves.

Senator La Follette. Did you make that statement to him?

Mr. Meyers. I am coming to that, and I made that same statement to him, but I did not use those words. I said it would be a junction between 20 and 31. Senator LA FOLLETTE. Did you make the statement which he attributed to you in which you said or asked him why he did not treat the men or handle the situation the way they did in Chicago, or words to that general effect?

Mr. MEYERS. I asked him to give us the police protection that they had in Chicago, Buffalo, and the other cities.

Senator LA FOLLETTE. That was after the Memorial Day incident in Chicago, was it not?

<sup>■</sup> See exhibit 7083 in a subsequent volume of the record.

Mr. Meyers. Well, I don't remember that, and I did not remember it at that time. That was not in my mind; definitely not.

Senator LA FOLLETTE. Didn't you read about what happened in Chicago on Memorial Day?

Mr. MEYERS. I did.

Senator LA FOLLETTE. Was this before or after that incident?

Mr. MEYERS. I cannot answer that. Senator La Follette. That occurred on Memorial Day, the 31st of May. Was it before or after that date?

Mr. MEYERS. This was after that.

The Memorial Day incident, referred to in this testimony, is fully described in a previous report of this committee. 91 A demonstration of strikers near the South Chicago plant of the Republic Steel Corporation was brutally dispersed by the Chicago police on May 30, 1937, and 10 persons were killed and 90 others injured. The committee found that "the force employed by the police was far in excess of that which the occasion required." 92

Not content with urging Chief of Police Switter to take drastic action, the representatives of Republic Steel Corporation furnished him with additional arms and ammunition. According to Mr. Switter's testimony, this gift consisted of "a couple of shotguns and a couple of gas guns" and "a few dozen gas shells." 93

The consummation of force and violence at Massillon occurred on July 11, 1937, during the absence of the chief of police from the town. Two strikers were killed and others injured. The whole incident, and the participation of agents of the Republic Steel Corporation therein. will be fully described in the committee's forthcoming report on the "Little Steel" strike.

The committee's investigation of the Chicago Memorial Day incident revealed that some of the arms used by the Chicago police on that day were supplied by the Republic Steel Corporation. Photographs of the encounter revealed that a number of the police carried white clubs, which clearly differed from the regulation nightsticks, and appeared to be hatchet handles. The committee found that these hatchet handles were apparently obtained from the plant of

the corporation.94

The tear gas used by the police on that day apparently was also obtained from the supply purchased by the Republic Steel Corpora-tion for use in this strike. The use by the Chicago police, on this occasion, of arms and equipment furnished by one of the parties to the dispute which they were policing, is but an indication of their general lack of care during the strike to maintain a position unchallengeable on the ground of bias or partiality. Senator Elbert D. Thomas of Utah, in an additional statement included in the committee's report on the Chicago Memorial Day incident, after stating that the tear gas used and the hatchet handles were probably not part of the regular police equipment, pointed out the extreme danger to the maintenance of law and order that is latent in such evidence of partiality on the part of a law-enforcing agency. He stated:

<sup>\*\*</sup> S. Rept. 46, pt. 2, 75th Cong., 1st sess.

\*\* 75th Cong., 1st sess. S. Rept. No. 46, pt. 2, the Chicago Memorial Day Incident, p. 39.

\*\* Pt. 33.

\*\* S. Rept. No. 46, pt. 2, pp. 7, 39.

\*\* Ibid.

\*\* Ibid., p. 41.

The following conclusion properly may be made: That the use of police officers in such a way that they seem to be allied with either side of a labor dispute destroys their effectiveness as peace officers representing the public. The moment they are used in defense of a given group they are associated in the minds of the opposing group as partisans to the dispute.

The story of the "Little Steel" strike in the city of Monroe, Mich., furnishes the most significant and one of the best documented instances of the furnishing of munitions by the Republic Steel Corporation and their use by local authorities. All of the weapons used in the forcible dispersal of a picket line in that city on June 10, 1937, practically without exception, were furnished by the Republic Steel Corporation. That the acceptance and use by law-enforcement agencies of such gifts of weapons manifests a latent sympathy for one side of the dispute is nowhere better demonstrated than in this incident. Without the gas and clubs supplied by Republic, the Monroe incident could not have The committee believes that the authorities in occurred as it did. Monroe were faced by a serious problem in policing, but the record indicates that the influence of the corporation, outwardly evidenced in its arming of the force of deputy policemen, aggravated and intensified that problem.

Republic Steel Corporation in 1935 absorbed a sheet mill of the Newton Steel Co., employing some 1,350 employees at Monroe, This mill is one of the least important divisions of the corporation's operations. Monroe is a small town, predominantly agricultural until very recent years, with a population of 20,000.98 The town had offered inducements to the Newton Steel Co. to build the mill there, and was concerned with the prospect of its future continued operation.99 The Steel Workers' Organizing Committee, concentrating on the larger steel mills in the Ohio-Pennsylvania area, gave little attention to the organization of the Monroe plant. No effort was made to organize in Monroe until the end of 1936, and thereafter up until May 1937, no full-time organizer was assigned to the city. 100 As at the other plants of the corporation, the plant police department at Monroe engaged in espionage upon the labor-organizing activities of the employees.<sup>101</sup> As a consequence of these factors, organization of the employees at Monroe progressed slowly, and the members of the S. W. O. C. were definitely in the minority at the time the strike broke out on May 26, 1937, in the other plants of the corporation. The management of the corporation, while it made extensive preparations in advance of the strike in other districts, did not, apparently, expect any walk-out of its employees in Monroe. 102

The local of the S. W. O. C. organization in the Monroe plant depended on a nucleus of men who had formerly been members of the Amalgamated Association of Iron, Steel and Tin Workers. 103

Pt. 27, p. 11322 ff., testimony of Robert L. Ritzie, superintendent of the Monroe plant.
 See exhibit 7140, statement of a committee of the American Legion post in Monroe, Mich., in a subse-

See exhibit 7140, statement of a committee of the American Legion post in Monroe, Mich., in a subsequent volume.

See exhibits 7112, 7113, 7114, minutes of meetings of the Monroe Industrial Commission, in a subsequent volume. R. J. Wysor, executive vice president of the Republic, had informed the local businessmen that "because of the trend of the times, he felt it would be unsafe to predict the future of the plant in Monroe" (exhibit 7112, meeting of the Industrial Commission of Monroe on January 23, 1936).

Pt. 27, p. 11351 ff., testimony of Dominick Mather; pt. 28, p. 11585 ff., testimony of Leondies McDonald, organizer for the S. W. O. C.

Pt. 27, pp. 11326–11331, testimony of James S. Torbic, captain of police and director of industrial relations at the Monroe plant.

at the Monroe plant.

102 Pt. 28, p. 11561, testimony of James S. Torbic.

103 See pt. 27, p. 11351 ff., testimony of Dominic Mather and Earl Crawford.

Amalgamated had had a local there which went out on strike in 1935. Organization had not yet proceeded very far beyond the confiner of this old union group when, in response to the suggestion of the S. W. O. C., members of the Monroe local voted to go out on strike in

support of the strike at the other plants of the corporation.104

On the morning of May 28 a picket line was formed and by midnight the mill closed down. The testimony, both of the chief of police of the town and the sheriff of the county, agrees that the picketing on this first day was peaceful. The picket line increased from a handful of men early in the day to a crowd of some 300 or 350 at midnight.105 The chief of police stated that the picket line on this first day included nonresidents and nonemployees of the mill, but this

testimony was disputed by union witnesses.106

After May 28 the picketing continued peacefully. No arrests were On June 3, 1937, the Monroe Evening News, a local newspaper, complimented the pickets in an editorial upon the character of their picketing. Maintenance men and office employees were allowed to go in and out of the plant without difficulty, with one or two minor exceptions.<sup>107</sup> The pickets established their picket line across the only road leading to the plant which is situated near the river in a marshy area. The fact that the picket line was on this road was later magnified in the controversy between the union and representatives of the mill and the back-to-workers, and it was stated that the pickets were blocking a public highway. The evidence, however, is clear that there was no barricade or physical obstruction in the road until June 10, 1937, when the pickets were finally dispersed. Until that date the pickets did not, apparently, assemble in excessive numbers. On one occasion, on June 7, 1937, the whole force of employees at the plant passed through the picket line and back again without any difficulty. The occasion of this trip to the plant was the distribution of pay checks for the pay period which had been cut short by the strike.

On June 7, 1937, the mayor, Daniel A. Knaggs, conducted an election, open to employees of the plant, on the question of whether they wished to return to work. According to Mr. Knaggs' testimony, this election was his own idea. It was held in a public building under the supervision of the regular election officials. The fact that it occurred on the day when the employees of the plant were assembled to receive their pay checks, cannot, however, be pure coincidence. At a meeting preceding this election, the Mayor delivered a highly prejudicial

oration in which he said:

I have no battle with the C. I. O. or am I taking sides with the independent union in this situation, but I feel that men who want to work should have the right We don't need men like Taylor and McDonald (C. I. O. organito go to work. zers) here to come in here and tell us what we should do. They probably never have done a day's work, and yet they try to tell you men what to join and what you should do. They say if we try to get you back to work, they will bring in hundreds of men from Ecorse and other places to stop them, and I tell you that we have 20,000 citizens in Monroe who are getting tired of this strike.

<sup>184</sup> Pt. 27, p. 11354 ff. See also pt. 28, p. 11587, testimony of Leondies McDonald. McDonald placed the total attendance at 2 union meetings, both of which voted unanimously to support the strike, at approxi-

mately 120.

100 Pt. 27, p. 11366, testimony of Chief of Police Jesse Fisher; pt. 27, p. 11368, testimony of Sheriff Joseph

V. Bairley.

100 Pt. 27, p. 11357, testimony of Sebern J. Sloan; pt. 27, p. 11368, testimony of Chief Fisher.

101 Pt. 27, p. 11357, testimony of Sebern J. Sloan; pt. 27, p. 11368, testimony of Chief Fisher.

102 Pt. 27, p. 11360 ff, testimony of Andrew Hrahcsak; pt. 27, p. 11361; pt. 28, p. 11544, testimony of Mayor Daniel A. Knaggs.

private vote today; there is no outside influence. We can settle this situation in our own way if you men will just show how you stand on the proposition. They tried to tell me that the Newton men did not have the guts to vote in this election. 108

On the stand before the committee, the mayor admitted that he did not know that Taylor and McDonald, the S. W. O. C. organizers, had never done a day's work in their lives. Out of the 1,350 employees eligible, 856 voted. On the question of returning to work, the vote

was almost unanimously affirmative. 100

The necessity for this back-to-work vote is not clear. There would obviously be no use of returning to work until the company announced that it would reopen the plant which it had not yet done. The strike was admittedly a minority strike, and had been so from the first. The mayor took the result of the election to the Governor at Lansing on June 8, and asked for either the State police or the National Guard. Since there was obviously no need for such action, the Governor refused, but according to Mayor Knaggs' testimony, he suggested that the mayor enroll special deputies if the need arose.110

The company announced the opening of the plant for June 10. June 9, Mayor Knaggs, on his return to Monroe, began to swear in A total of 383 were sworn in, most of them on June special deputies.

9 and June 10.111

The company had made arrangements to supply the city with munitions, in quantities ample for an increased police force, at least as early as June 7 and probably sometime before. Prior to that time, James S. Torbic, captain of the company police at Monroe, conferred with Harry Holloway, former vice president and general manager of the Newton Steel Co. and executive officer in charge of the Monroe plant for the Republic Steel Corporation, concerning the purchase of munitions for the city. According to Mr. Torbic's testimony, Mr. Holloway told him to use his own judgment in purchasing munitions for the city. 112 Thereafter, Mr. Torbic conferred with Mayor Knaggs, and told him that the corporation would furnish money for munitions. The first purchase of munitions made by the city, was invoiced on June 5, 1937, and received by the city on June 7. This was a purchase from Federal Laboratories, Inc., of 48 tear-gas gre-On June 9, 1937, the city arranged for the purchase of 3 gas guns and 4 dozen long-range shells from the American Munitions Co. of Chicago, Ill. 115 This purchase was paid for in cash, which Captain Torbic personally brought to the city hall. On June 10, the city secured additional gas consisting of 54 37-mm long-range shells. purchase, too, was paid for by the company. In addition, the company paid for approximately 370 assorted police clubs and baseball These clubs were later handed out to the special deputies enrolled by the mayor. In all, the company paid \$1,566.80 for the arming of the special police. Of this amount \$1,277.10 went for tear

<sup>140</sup> Pt. 28, p. 11546.

140 Ibid.

140 Pt. 28, p. 11547.

141 Pt. 28, p. 11548, testimony of Daniel A. Knaggs.

141 Pt. 28, p. 11560.

142 Pt. 28, pp. 11550-11551, testimony of Robert Neis, Monroe city director.

144 Pt. 28, pp. 11552-11553, testimony of Robert Neis.

145 Pt. 28, pp. 11552-11553, testimony of Robert Neis.

146 Pt. 28, pp. 11552-11553, testimony of Robert Neis.

147 Pt. 28, pp. 11552-11553, testimony of Robert Neis. see p. 16. 116 Pt. 28, pp. 11557-11558.

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gas and tear-gas equipment and the remainder for clubs. The city paid nothing for the equipment of the special police.117

In addition, Captain Torbic purchased some \$728.20 worth of gas

and gas equipment for the plant.118

All during the period between June 8 and the dispersal of the picket line on the afternoon of June 10, the Governor of Michigan continued efforts to mediate the dispute. He sent a labor conciliator to Monroe to confer with both sides. Finally a conference was set for all the parties concerned in the Governor's office in Lansing on June 10. It was the company's plan to open the mill at 4 o'clock in the afternoon The city police authorities made arrangements to escort employees back to the plant under the guard of the special deputies. At a meeting of those employees who had voted to return to work, in Monroe on the evening of June 9, Ivor Powell, temporary chairman of the group, declared:

You're going back to work tomorrow, regardless of what Governor Murphy says or does.

Mr. Powell went to the Governor's conference in Lansing on the following day. Such a promise was, of course, without significance, unless the company was equally determined to open the plant regard-

less of the Governor's efforts at mediation.

The situation in Monroe on the 10th rapidly reached a state of acute tension. A minor incident called the police chief down to the picket line early in the morning, and at that time there was apparently nothing out of the ordinary there. 119 Shortly thereafter, at about 10 o'clock, one of the organizers, whom Mayor Knaggs had attacked in his speech on June 7, was assaulted by a mob on the main street of Monroe and driven out of town. 120 The news of this incident created the most intense excitement on the picket line. 121 The pickets began to arm themselves with clubs and stones. Some of them secured pieces of iron or steel bars. 122 The police department made only a very cursory investigation of the beating of the organizer. According to Chief of Police Fisher, his staff was so concerned with organizing the special police for the attack on the picket line that afternoon that it was impossible to make a thorough investigation of the incident, No arraignments were ever made in connection with the beating, although it took place in broad daylight in front of the Monroe post office. 123

The conference in the Governor's office held the key to the situation. According to Mayor Knaggs, the Governor asked the company to defer the opening of the plant at least until the following Monday. June 10 was Thursday, and there was pending a conference in Columbus, Ohio, between the Republic officials and Governor Davey, of It was Governor Murphy's feeling, apparently, that the Monroe strike should be considered as a part of the strike against the Republic Steel Corporation as a whole, and that any agreement reached

<sup>117</sup> Pt. 28, p. 11565, testimony of J. S. Torbic; ibid, p. 11558, testimony of Daniel A. Knaggs.
118 Pt. 28, p. 11565, testimony of J. S. Torbic.
119 Pt. 28, p. 11596.
129 Pt. 28, pp. 11585 ff, testimony of Leondies McDonald, Negro organizer, who was assaulted and driven

out of town, of testimony of Sebern J. Sloan.
131 Pt. 28, p. 11595, testimony of Sebern J. Sloan.
132 Pt. 29, p. 11786, testimony of Andrew Hrabcsak.
133 Pt. 28, pp. 11596 ff, testimony of Jesse Fisher.

in Ohio would be applicable as well to the plant at Monroe. Mayor Knaggs' recollection of the Governor's position was as follows:

This was on a Thursday, and he wanted them all to wait until Monday because there was going to be a conference or there was a conference at that time at Columbus, Ohio, with some of the Republic officials, I believe, and Governor Davey, and he thought that that would settle the Republic strike all over the country.<sup>124</sup>

The representatives of the Steel Workers Organizing Committee took the position that they could not settle the strike at Monroe

apart from the other plants of the corporation. 125

According to other witnesses at the conference, Harry Holloway, representing the Republic Steel Corporation, took the position that Tom M. Girdler, chairman of the board of directors of the Republic Steel Corporation, would not sign a contract. He also stated that he had received orders from his superiors in the corporation to open the plant on that day at 4 o'clock, and that he could not do anything else. 126 Mr. Holloway had been excused because of illness in his family and did not testify before the committee.127 In response to the charges of the company representatives and Mayor Knaggs, the Governor questioned the representatives of the S. W. O. C. concerning their obstruction of the road. Earl Crawford, representing the union from Monroe, told the Governor that the strikers were picketing upon but that they were not obstructing the road. He was not, however, aware of the changed attitude of the picket line that had resulted since his departure from Monroe early in the morning. 128

Governor Murphy's attitude was judicious, and offered a way out of a dangerous situation. The issues being the same, it was illogical to consider the Monroe strike apart from the strike in other States. The action to be taken at Monroe obviously depended upon whatever settlement could be reached with the heads of the corporation in Columbus. Mr. Holloway's position was evidence that the corporation was planning not to settle the strike as a whole but to break it piecemeal, plant by plant. The outcome rested solely in the hands of the mayor. If he followed the Governor's suggestion, he would have paved the way to a peaceful settlement. If he proceeded to supply police protection on that day and to disperse the picket line, he complied with the design of the corporation. In point of fact, however, the mayor had already gone too far to retreat. His special deputies were at that time lined up on the road leading to the plant, and the little town of Monroe was seething with excitement and an incipient spirit of vigilantism. According to his own testimony, the mayor called Chief of Police Fisher from the Governor's office, and ordered him to proceed through the picket line. 129

The special policemen assembled at the city hall in Monroe about 1 o'clock in the afternoon. 130 These men had been sworn in en masse. They were not bonded, and they had had no police experience,

<sup>118</sup> Pt. 28, p. 11601,
119 Pt. 28, p. 11602, testimony of Ivor Powell.
119 Pt. 28, pp. 11600-11602, testimony of Mayor Knaggs, Farl Crawford, and Ivor Powell.
119 Pt. 28, pp. 11574. The corporation has not, however, objected to the version of the meeting in the Governor's office established by the other witnesses.
119 Pt. 28, pp. 11602.
129 Pt. 28, pp. 11601, testimony of Mayor Knaggs.
120 Pt. 29, pp. 11792, testimony of Chief Fisher.

although the mayor had called for men with some military experience.121 They were armed with the gas equipment and the clubs supplied by Republic and marched down to the picket line at 4 o'clock. The employees deciding to return to work were lined up in automobiles behind the special deputies.

This display of force infuriated rather than intimidated the pickets. They adopted a belligerent attitude, shaking their clubs and collecting

piles of stones.

At the same time, members of the American Legion were deputized by the chief of police to take care of the business district. They were

patroling the streets armed with ball bats. 183

According to the testimony of the picket leaders, they offered to permit the employees to go through the picket line to the plant without difficulty if the special police would disband. This offer was rejected. 184 Governor Murphy, however, had not abandoned hope for peaceful settlement. He made repeated calls and talked to Chief of Police Fisher and leaders of the pickets over the telephone. 135

Parleying continued for nearly 2 hours.

At about 6 o'clock, two tear-gas grenades were thrown by some unidentified person or persons from behind a news-reel truck into the picket line. Neither the strikers nor the police could account for this initial discharge of tear gas. Chief Fisher's testimony on the subject is as follows:

Who did it I don't know. Mayberry (a union organizer) came running out when that took place. That is the first whiff of gas I got, because that blew across the highway in my face. Mayberry said, "There you go, just as soon as I try to do anything you see what happens."

I said, "I suppose that is the fault of the police. There isn't a policeman

around here nowhere."

They were all on the highway. I said, "We can't help that." 136

Shortly thereafter, Chief Fisher ordered the pickets to get off the road. Upon their refusal, the special police started firing long-range tear-gas shells from their gas guns. 137 At the same time, a squad of men lead by James S. Torbic, captain of police for the steel plant, stationed on the road from the plant some distance behind the picket line, began pouring tear-gas shells into the pickets from the rear. 188 Mr. Torbic testified that this group was composed of men whom he had employed as special police to patrol the plant. They had served as National Guardsmen, and were trained in the use of gas. Mr. Torbic testified that he did not know why he had ordered these men to shoot gas into the picket line from the rear.

Senator LA FOLLETTE. Did you issue the order to fire this gas after the police had opened fire, because you thought the police were not sufficiently numerous or well enough equipped to handle the situation?

<sup>181</sup> Pt. 28, pp. 11547-11548, testimony of Daniel A. Knaggs.
182 Pt. 29, p. 11793, testimony of Chief Fisher. The city's gas equipment, before Republic purchases, amounted to one gas gun with a few hand grenades and a few shells. (Pt. 28, pp. 11548-11549, testimony of

Mayor Knaggs.)

133 Pt. 29, p. 11796, testimony of Chief Fisher.

144 Pt. 29, p. 11789, testimony of Andrew Hrabcsak. See also exhibit 7127, an affidavit of Edwin Mayberry, C. I. O. organizer, in a subsequent volume. Chief Fisher, who was in command of the special police, did not describe this offer in his testimony, but he did not deny that it had been made.

145 Pt. 29, pp. 11795 ff, testimony of Chief Fisher, ibid, p. 11785, testimony of Andrew Hrabscak.

146 Pt. 29, pp. 11802.

147 Pt. 29, pp. 11809.

Mr. Torbic: I don't know why I issued that order, to tell you the truth.

had no idea in mind.

Senator LA FOLLETTE. You are not in the habit, are you, of ordering company policemen to shoot people?

Mr. Torbic. They didn't shoot at people, Senator.

Senator LA FOLLETTE. I mean to shoot gas in the direction of people for standing on a public highway?

Mr. Torbic. That was my first time I ever issued such an order.

Senator La Follette. Why did you issue such an order?

Mr. Torbic. I couldn't say why.

Senator LA FOLLETTE. Am I to infer from your testimony that you just thought you would give these pickets a good big dose of gas, while they were having it? Mr. Torbic. That might answer the question; yes. [Laughter.] 130

Caught between two barrages of tear gas, the pickets fled and were pursued by the special police. Some of the pickets were arrested and others beaten up, but there were no deaths and no very serious The special police moved forward, overturning the pickets' Some of these cars had been used to block cars into the river nearby. the road, but others were simply parked along the side. In addition, the special police burned the picket tent, the benches, and the other equipment that belonged to the union or its members.

The employees drove into the plant.

The significance of Mayor Knaggs' conduct throughout the strike, culminating in the spectacular clash on June 10, is indicated in a letterof congratulation sent by Charles M. White, operating vice president of Republic Steel Corporation, to the mayor on August 25, 1937. The letter reads in part:

While I talked to you on the telephone immediately following the re-opening of the Monroe plant and, as you will recall, had both Mr. Girdler and Mr. Wysor in on the hookup, I have wanted to write to you and express the appreciation which we feel towards a man who has put his duty so clearly above all other factors in connection with his office. The example which you set had, I know, a real influence on other governmental officers throughout the strike areas. 140

That Mayor Knaggs' attitude was somewhat less than impartial during the strike is frankly indicated in his correspondence thereafter. On July 1, 1937, he writes to a friend, as follows:

I want to thank you for your compliment on the way I handled that C. I. O. Communistic strike in our town. I hope I have handled the situation so that it will be of some benefit to the people of the future, as well as, the present. It seems to me that this country is running towards the Communistic, and possibly a lot faster than we realize.

If you could go down on the picket line that was established in Monroe and look over the characters on the line, you would well believe that they are the class of people that are "Reds." 141

On July 6, 1937, the mayor writes to another friend:

I think we have won the battle, and I think the C. I. O. are on the downward grade and slipping fast.142

On July 14, the mayor wrote:

We feel we have won the battle here in Monroe and I hope the big C. I. O. bubble bursts soon as I think it is going to do.148

The committee quotes these excerpts from the mayor's correspondence merely as expressions of his attitude toward the crisis in Monroe...

<sup>138</sup> Pt. 29, p. 11810.
146 Exhibit 7134 in a subsequent volume.
146 Exhibit 7135, a letter from Daniel A. Knaggs to Rev. George E. Hall, in a subsequent volume.
147 Exhibit 7136, a letter of Mayor Knaggs to Clinton C. Dewitt, in a subsequent volume.
148 Exhibit 7137, a letter of Mayor Knaggs to Walter O. Snelling, in a subsequent volume.

His desire to cooperate with the wishes of the management of the Republic Steel Corporation is evidenced in almost every step of his handling of the situation. Nowhere, however, does it stand out more strikingly than in the acceptance by the city of the munitions purchased with the company's funds and in the use of these munitions The crisis of June 10 was created in large measure by the enrolling and arming of special police. There had been, prior to June 9, no condition requiring the organization of a small army of some 380 deputies. Reasonable precautions could have been taken to conduct the back-to-workers through the picket line without arousing and exciting the community. The mayor could have postponed the opening of the plant, had he wished, by exerting pressure on the company in the interests of a peaceful settlement of the strike as a whole. Armed with the company's gas, and acting in accordance with the company's plans, the band of special policemen, on the orders of a mayor sympathetic to the company, transformed what was fundamentally a partially effective strike into a major crisis which, when highly publicized, had a tremendous effect upon the course and conduct of the "Little Steel" strike in other areas.144

<sup>14</sup> For further discussion of the effect of the Monroe incident, see this committee's forthcoming report on the "Little Steel" strike. On February 6, 1939, following a change in the State administration, ex-Mayor Knaggs was appointed Commissioner of the Department of Labor and Industries for the State of Michigan. According to a telegram to the secretary of this committee from the executive secretary to the Governor of Michigan, ex-Mayor Knaggs' appointment was confirmed on February 9, 1939, for an indeterminate term.

### CHAPTER VII.—SALES METHODS USED BY MUNITIONS COMPANIES

Much of the widespread distribution and use of industrial munitions is attributable to the persistent and persuasive efforts of the munitions companies to place their products in the hands of employers and law-enforcement officials. Tear and sickening gas and gas weapons are comparatively novel instruments for policing, and they have been advertised and sold in recent years through the customary methods of high-pressure salesmanship. Mention has been made; in a previous chapter, of the competition between Federal Laboratories, Inc., and the Lake Erie Chemical Co., in patenting and marketing new and more complicated forms of grenades and shells. The business is practically unregulated, and the effectiveness and ingenuity of the weapons devised and marketed knows no bounds except the fear of damage suits and litigation brought on behalf of persons

injured by their use.

The commercial aspects of the munitions trade have been emphasized in chapter IV. The presence of munitions salesmen at the scene of strikes and their participation in the use of gas spring solely from their desire to increase their own commissions. Gas munitions are not sold through dealers; they are not staples of the hardware store. Every gas barrage laid down in recent years has been of pecuniary profit to the gas companies and their salesmen. It is impossible to say how many such gas barrages have been attributable rather to the insistence and activities of the munitions salesmen than to the police needs of the strike situation. Some manufacturers, if the testimony of Alfred Marshall, personnel relations director of the Chevrolet motor division of General Motors Corporation, be a fair sample, rely on the munitions salesmen to determine their need of gas and what and how much they shall buy. It is important, therefore, to examine the methods of the sales campaign pursued by the munitions companies.

All three munitions companies which the committee investigated were found to market their equipment through sales agents, each of whom worked a particular territory ranging in size from a small area surrounding his home to a district including several States. In some cases the munitions salesmen handled only the police and protective equipment furnished by the munitions companies. In other cases the salesmen acted as agents for various other lines of products. few hardware stores also acted as agents. Particularly significant, in view of the committee's disclosures of the activities of strikebreaking and detective agencies, are the close relations maintained between munitions salesmen and detective agencies. In several cases, most of which have been discussed above, the detective agencies them-

selves handled sales of munitions.2

<sup>1</sup> See pp. 70-71. 2 See ch. IV, pp. 94-99.

The sale of gas equipment is handled by the agents on a commission basis. Depending on the type of equipment, the commissions vary from approximately 10 to 35 percent, the average being approximately one-third.

Federal Laboratories, Inc., as of December 1936, had 32 salesmen, whose combined territories covered practically the entire United States. In charge of this sales force was Bailey H. Barker, vice The voluminous correspondence between him and his salesmen has been liberally drawn on above, in discussing the purpose of industrial munitions. President John W. Young, however, took a personal part in the sales campaign, and was responsible for many of its features.

The sales force of the Lake Erie Co. was smaller than that of Federal Laboratories. It was directed principally by A. S. Ailes, vice president of the company.

## SECTION 1. USE OF THE "RED" SCARE IN SELLING MUNITIONS

To prospective customers Federal Laboratories sends large amounts of antiradical and anticommunist literature. In all, it distributed over 1,500 copies of the Red Network by Elizabeth Dilling. These books were given to the National Guard of each State, to hundreds of police departments, and to all Federal Laboratories salesmen with the recommendation that they be distributed as widely as possible. Through an arrangement with the publishers, Federal Laboratories was able to obtain the book at half price. This compendium of misinformation, distortion, and absurdity was distributed as an authority on the American radical movement and as a handbook for the purchasers of tear gas. On July 24, 1934, John W. Young, president of Federal Laboratories, wrote to all Federal Laboratories agents, enclosing a newspaper article on "the danger of revolution in this country," from one of the Washington, D. C., Hearst papers. After calling attention to the newspaper article, Mr. Young wrote:

Couple this up with the account of Communistic activity as given in a book entitled "The Red Network" by Elizabeth Dilling, copy of which we are sending to you, and you have a clear picture of the under-lying cause of a lot of our present difficulty. We are heading for plenty of trouble and it is a time for all of the

American patriotism you can manifest.

This book sells for \$1.00 each. It costs us \$0.50, plus expressage, plus postage.

Whatever you do, read this book when you get time. Carry it with you and get every police chief and sheriff you talk to to buy one; get each industrial leader to buy one. We would be glad to fill these orders at cost, which will run about \$0.75, in an effort to stir up the American public to prepare for the things that are facing us.6

In the next paragraph Mr. Young made clearer what he meant by the "things that are facing us."

<sup>&</sup>lt;sup>3</sup> Pt. 7, exhibit 805, pp. 2408, 2599.

<sup>4</sup> The Red Network a "Who's Who' and Handbook of Radicalism for Patriots, by Elizabeth Dilling. Published by the author, Chicago, 1934.

<sup>5</sup> The author published the book. The work includes discussions of the Government of the Soviet Union, and the Communist Party in this country. In a list of 1,300 "persons who are or have been mambers of Communist, Anarchist, Socialist, I. W. W., or Pacifist-controlled organizations, and who through these memberships, knowingly or unknowingly, have contributed in some measure to one or more phases of the Red movement in the United States" are such names as: United States Senators Wheeler, Norris, Brookhart, Costigan, Dill, Nye, and Borah; Gandhi, Newton D. Baker, George Bernard Shaw, Dean Rosco-Pound, Mrs. Franklin D. Roosevelt, Donald Richberg, Mrs. Louis D. Brandeis, and Justice Frankfurter.

§ Pt. 7, exhibit 820, p. 2632.

:: Police Departments in small communities can no longer say that they need not worry about trouble. Section 7 (a) of the National Recovery Act states that labor shall have the right to organize without interference on the part of the employer but it does not state that labor shall not be interfered with from the outside. This has thrown open an opportunity for the unscrupulous promoter to come in

and organize labor for what he can get out of it.

Onion farms, fruit farms organize. Gas Station employes, and people who never dreamed of labor trouble are having it now because of the interference of outsiders and the sheriff and the law-inforcement officer must be prepared to

handle this situation.

Whether the juxtaposition of the two ideas was the result of deliberate distortion or honest confusion, it is clear that Mr. Young sought to create, in the minds of his salesmen, an association between Russian communism and the effort of employees in this country, through the A. F. of L., to avail themselves of the right of collective bargaining. Mr. Young's persistence in distributing the book through his sales force indicates that he must have felt that identifying labor organization with revolution would aid in the sale of his munitions.

The type of distribution given to The Red Network is illustrated by a passage in a letter of December 8, 1934, from one Federal Laboratories agent, George F. Cake, to another Joseph M. Roush. Mr.

Cake, writing from Los Angeles, said:

I had expressed to you yesterday 30 Red Network books. I also delivered to the Junior Chamber of Commerce as per the chief's request 150 of the same books. He will receive them through the above-mentioned organization.

The Pittsburgh office of the Wm. J. Burns International Detective Agency bought four copies of the book. Another was shipped to the Military Intelligence Department, Fort Shafter, T. H. Ten more were given to an official of the Standard Oil Co. in San Francisco

by Mr. Roush.10

By the fall of 1934, Mr. Young apparently felt that his suggestions to his agents to get all police chiefs, sheriffs and industrial leaders to buy this book had not resulted in "stirring up the American public" sufficiently. In November he mailed copies gratis to the National Guard of each State, together with a letter suggesting that much of the current trouble in the country could be traced to "radical agitators, who have boasted that they will not stop until they overthrow our constitutional government." Evidently under the impression that the arrival of Leon Trotsky in America would result in added sales of tear gas, Mr. Young enclosed a newspaper article which related a rumor of Trotsky's impending arrival in New York. To put the gift of The Red Network to the National Guard on a little higher plane than that of pure sales promotion, Mr. Young added in his letter, "The book is a gift of a patriotic citizen." When asked who this patriotic citizen was, Mr. Young testified:

I presume I was referring to myself; I do not recall.11

Mr. Young's instructions to his salesmen to carry The Red Network with them to "stir up" customers when showing samples of gas and machine guns would be ludicrous were it not so serious a matter. It

Pt. 15-D, exhibit 3578, p. 6996.
 Pt. 15-D, exhibit 3657, p. 7068.
 Pt. 15-D, exhibit 3668, p. 7068,
 Pt. 15-D, exhibit 3604, p. 7018,
 Pt. 7, p. 2498.

may be doubted that this book by itself would convince many employers that the workmen in their plants were pletting to tear them down or take them over. What is most significant about the distribution of this book is not so much its actual effect in promoting sales of munitions, but the attitude and ideas which Mr. Young sought, through it, to implant in his salesmen. The salesmen were not students of history or government, but men thrown into constant contact with strike situations, and amply equipped with strikebreaking weapons. Under such circumstances, Mr. Young's efforts went a long way toward giving his agents the idea that all labor leaders or strikers were "reds" and fair game for the gas grenade or gas gun of any police officer, private guard, or munitions salesman.

Another publication widely distributed by Federal Laboratories is a sales pamphlet, describing the use of its products, under the title of "The Red Line of Crime and Civil Disorder". The absurdity of the company's emphasis on the revolutionary menace is illustrated by the doctoring of a photograph on this bulletin's lurid cover. The picture shows a crowd being routed by tear gas. Nearly every face which is visible to the camera has obviously been touched up in ink with the pointed beard, mustache or horn-rimmed glasses of the caricatured "foreign agitator." The title and purport of this pamphlet is calculated to confuse crime and labor activities.

Still another sample of Mr. Young's antiradical propagands was a small gummed sticker headed "Communist's Oath," which bore the following blood-curdling statement of faith:

I do solemnly swear that I hold in contempt all institutions of capitalism, including ecclesiastical and secular; its flag, its courts, its codes AND ITS CHURCHES OF this order under penalty of death, and spare neither time, effort, nor money to obey, even to the last drop of blood.<sup>15</sup>

Mr. Young testified that he was under the impression, gained from the R. O. T. C. Association of the United States, which published this sticker, that this was the official oath of the Communist Party. He also said that he had been given about 100 of them and had sent them out. There was no evidence as to how these stickers were used, but the fact that they were gummed readily suggests some provocative use to trump up evidence of the presence and activities of Communists.

The staff of Federal Laboratories, Inc., apparently feel free to apply the epithet "red" or "radical" to those who interfere with or seek to inquire into their transactions. In February 1934, when Mr. Barker, vice president of Federal Laboratories, wrote to Smith & Wesson, revolver manufacturers, concerning an uncollected bill of Fayette County, Pa., for some \$6,500 worth of munitions purchased during the coal miners' strike of 1933, he referred to the county treasurer as "socialistic" because he had nullified a check paying for the material." Mr. Barker wrote Joseph Roush in August 1934, that the express company had been checking up on all deliveries made to Roush during the San Francisco water-front strike. Mr. Barker wondered whether

<sup>11</sup> Pt. 7, pp. 2498 ff. 13 Pt. 7, exhibit 915, p. 2500.

<sup>18</sup> Pt. 15-D, exhibit 8640, p. 7047.

the Department of Justice was looking into this, or whether it was "some radical element at work." 16 A similar example is in Federal's salesman, George F. Cake's letter to Federal Laboratories describing the use of Federal gas grenades by vigilantes to break up union meetings at Orange, Calif. One of the grenades thrown had been recovered, undischarged, and a firm of attorneys had sought to ascertain from Federal Laboratories the name of the purchaser and the source of the grenade. Federal Laboratories, in accordance with California law kept a record of all purchasers and the serial numbers of the grenades sold to them. In this case the grenade had been sold to the Orange police department, but the company refused to divulge this information to the attorneys who had requested it. Mr. Cake expressed his gratification.

\* I am very glad you did not supply the desired information to the law firm in Santa Ana, as they are no doubt up with the radical bunch seeking the information to cause trouble for the police. \* \* \*

information to cause trouble for the police. \* \* \* I informed Captain Hynes of the Los Angeles Police Red Squad of the affair and he told me that this man Carter is an attorney for the American Civil Liberties Union and very communistic. As it is a felony in California for a person to be in possession of tear gas without a permit, the police department planned on arresting this man on that charge. 17 \* \* \*

The Lake Erie Chemical Co., in its sales efforts, also utilizes the fear of revolution. On January 14, 1935, B. C. Goss, president of Lake Erie, wrote a letter, urging the purchase of his products, to Mayor Lambert of St. Louis, in which he said, in part:

speaking of revolutions, every thinking person with whom I have had contact in the last two months is satisfied that we are going to have a show-down this Spring with the radical labor element, and it is not going to be with sticks and stones this time, as I am advised, upon the best of authority, that over one thousand machine guns, rifles, etc., have disappeared from Armories and other Arsenals recently and I heard of one case where some communist trucks drove up to a National Guard Armory and every rifle and round of ammunition in the place was turned over to them by the custodians.18

Here Mr. Goss embellishes the wild rumor with the impression that he is "in the know" and has inside information on the secret Communist armaments.

In addition to increasing the circulation of The Red Network, Federal Laboratories, Inc., assisted in the publication of a "book on Communism" in California. Salesman Joseph M. Roush, at the request of the Peace Officers Association of California, an association including many of the law-enforcement purchasers of tear gas in the State, made a contribution to help finance the publication of a manual by Gen. David P. Barrows 19 on Communism. How much money was given by the munitions salesman, or what effect the book had on his business, does not appear in the record.20

The constant emphasis of the officers of Federal Laboratories, Inc., upon the "red" menace had its predictable effect upon the sales-

<sup>18</sup> Pt. 18-D, exhibit 3620, p. 7088,
17 Pt. 7, exhibit 392, p. 2473.
18 Pt. 16-D, exhibit 3741; p. 7203 f.:
19 Professor of Political Science, University of California, Berkeley.
19 Pt. 16-D, exhibit 3602, p. 7017, a letter from Joseph M. Roush to 'B. H. Barker, dated March 29, 1935;
10 ld. exhibit 3603, p. 7018, letter from the Peace Officers Association of the State of California to Joseph Roush dated April 1, 1935, thanking him for his "cooperation" and "material assistance" in publishing the book.

Funds to publish the "Barrows Manual" were raised by the committee on subversive activity.

Their actions, when they stood in police ranks, with gas guns in hand, tended to be entirely consistent with a belief that strikers are "reds," and that "reds" are without even the fundamental rights of citizenship. The day before May Day, 1934, Roush in San Francisco wrote to his partner Wright in Los Angeles:

Well, I suppose you are going to have a good time tomorrow with all the Reds

\* \*. I hope all the Reds get sickening gas in L. A. I will do what I can about it up here.31

On July 5, 1934, during disturbances on the Embarcadero in San Francisco, Joseph M. Roush shot a long-range projectile at a man standing just across the street from him. He had never seen the man before, and knew nothing whatever about him.23 Yet he wrote to his superiors on July 22, 1934, concerning the incident as follows:

I might mention that during one of the riots, I shot a long-range projectile into a group, a shell hitting one man and causing a fracture of the skull, from which he has since died. As he was a Communist, I have had no feeling in the matter and I am sorry that I did not get more.38

There is no blinking the fact that Mr. Roush's expressed attitude was one of murderous intent. No justification exists, in law or morals, for an intent to kill people because of their political beliefs. In

point of fact the man Roush shot was not a Communist.

The committee made a thorough investigation of the incident in San Francisco. It was discovered that the man shot by Mr. Roush had not died but had been seriously and permanently injured. He suffered a compound fracture of the skull, resulting in the removal of a portion of the bone behind the right ear. The victim was J. A. Engle, age 26, a member of the International Longshoremen's Association on strike. According to an eyewitness of the incident who was: acquainted with Engle, the shooting took place shortly after the dispersal of a group of strikers who were driven down the Embarcadero by tear gas used by the police. At the time of the shooting, the Embarcadero was clear for several blocks. Three men armed with longrange tear-gas guns appeared in the street and began shooting tear gas shells at a hotel in which some of the strikers had taken refuge. At this point, Engle appeared on the sidewalk in front of the hotel and put his foot on the running board of an automobile parked at the curb.24 According to Engle's own statement,28 he stopped to talk to a friend sitting in the car parked at the curb. Engle did not see the men shoot him, since they were behind him at the time. The affidavit of the eyewitness, James A. Duggar, reads as follows:

At any rate Engle was the only striker in the street at that moment. Engle stuck his head around the side of the car one of the three men previously referred to aimed his gas weapon directly at Engle and fired, the shell striking "Kentucky" on the right side of the head. "Kentucky" was knocked down into the street. He half rose to his feet, felt the side of his head with his hand, looked at the blood and then collapsed. His arms and legs flapped like a chicken whose head has been cut off. I thought to myself, "Well, I guess 'Kentucky' is gone." Engle lay there several minutes and then some fellows rushed out of the Seaboard Hotel and picked him up.26

<sup>21</sup> Pt. 7 exhibit 920 p. 2504.
22 Pt. 15-D exhibit 3708, p. 7098.
23 Pt. 7, exhibit 921, p. 2504.
24 Pt. 7, exhibit 923, pp. 2505-2507.
25 Pt. 15-D, exhibit 3709, p. 7100.
26 Pt. 7, exhibit 923, p. 2506.

# - Mr. Duggar's affidavit continues as follows:

I knew "Kentucky" pretty well. It is absurd to state that he was a Communist. As his nickname would indicate, he was from Kentucky. I know to a certainty that "Kentucky" never had any contact with the radical labor groups on the water front or elsewhere. He was a loyal union man and a member of the International Longshoremen's Association in good standing, but it is utterly untrue that he was

In his own statement, Mr. Engle says that he was not at that time, and never had been, associated with any Communist or radical association and continues:

I was causing no disturbance at the time that I was shot nor was anybody around me causing any disturbance.

According to Mr. Roush's deposition, he fired a projectile which struck the man in the head while on the Embarcadero close to the Seasboard Hotel. He testified that the shot was not directed at any one person but was discharged merely to disperse the group. Mr. Roush had not been deputized as a special police officer under the San Francisco Police Department at the time of this incident, although he testified that he held a deputy sheriff's commission in Los Angeles

As has been noted above, B. H. Barker, vice president in charge of sales, did not reprimend Mr. Roush for his conduct at that time. Instead he congratulated him on his splendid report, excerpted it, and had it distributed to the other salesmen. Such approval on the part of the officers of the company, if it did not indicate that murderous assaults of this kind were expected of the salesmen, at least encouraged that hysterical "red" baiting frame of mind which made such assaults possible.

The record is clear that John W. Young found the threat of communism a valuable argument in the sale of munitions. Whether Mr. Young's personal efforts to distribute anti-Communist literature sprang entirely from a sincere antipathy for the doctrines of communism, or whether his attitude was created in large part by the fact that he felt it profitable, might be difficult to determine were it not for certain passages in his testimony which throw considerable doubt on the sincerity of his position. Where the forces of communism appeared as customers for his weapons, his crusading zeal seems to have flagged.

On April 27, 1933, Federal Laboratories, Inc., sold \$339.43 worth of tear gas and gas equipment to the Amtorg Trading Co., the purchasing agent for the Soviet Union in the United States. 31 Questioned why, in view of his efforts against communism, he had made this sale to the Soviet Union, Mr. Young stated that he had "no controversy with the Communist Government in Russia," and added:

I have controversy with any meddling in our Government affairs here, but I have no proof they are doing that.22

In other words, in sales arguments Mr. Young had no hesitation in urging employers to buy gas on the ground that their workers were

<sup>#</sup> Ibid., p. 2607.

Pt. 15-D, exhibit 3709, p. 7101.

Pt. 15-D, exhibit 3706, pp. 7097-7096.

Pt. 7, p. 2505, testimony of B. H. Barker and John W. Young. See also pp. 104-105, n Pt. 7, exhibit 919, p. 2723.

Pt. 7, p. 2503.

being led astray by agents of Moscow bent on destroying the American Government. Nevertheless, he sold munitions to Russia because he had no proof that Russia was "meddling in our Government affairs." Such an admission clearly demonstrates that Mr. Young's emphasis on the danger of communism sprang rather from mercenary motives than from honest convictions.

# SECTION 2. EFFORTS OF MUNITIONS COMPANIES TO INFLUENCE LOCAL GOVERNMENT OFFICIALS

Since about half of the sales of gas equipment are made to or through law-enforcement agencies, it is to the advantage of the munitions companies to secure and preserve the good will and sympathy of local government officials. Efforts to keep in the good graces of such officials frequently overstep the bounds of propriety, and beginning with gifts of small amounts of gas and equipment, extend to the payment of commissions on sales to local governments, and other favors

tantamount to bribery.

The record shows that the Lake Erie Chemical Co. in at least two localities paid commissions on local sales to local police officials. In one of these cases the commissions were paid on sales to the police department involved. In New Orleans, La., Capt. Joseph Sonnenberg of the city police department, split commissions with the regular Lake Erie agent for that territory, H. B. Flaugh, on sales other than those to the police department. The arrangement was discussed in a letter from Mr. Flaugh to A. S. Ailes, sales manager of the Lake Erie Chemical Co.:

\* \* had a note from Sonnenberg today. Remember he gets 50-50 from N. O. but no other place.\*\*

This 50-50 split of the commission on New Orleans sales amounted to 15 percent of the sales totals, according to Mr. Ailes' letter of December 6, 1935, to Captain Sonnenberg:

DEAR CAPTAIN JOE: Some time back we sent you a check for \$82.25, this being, as I understand it, fifteen percent on the business transacted by Mr. Flaugh in New Orleans, exclusive of the Police Department.<sup>24</sup>

According to the correspondence in the committee's record, Captain Sonnenberg earned his commission by boosting Lake Erie products to law-enforcement officials and by furnishing promising leads to Flaugh,

the regular salesman.

The caution exercised in New Orleans to exclude Captain Sonnenberg from commissions on sales to the police department was not used in St. Louis, Mo. There Lt. Nick Bosch of the city police received a commission of 5 percent on a \$1,656 Lake Erie sale to the police department in June 1934. This order is described in a letter from R. O. Gresham, former Lake Erie salesman, to Mr. Ailes, dated June 5, 1934:

I am attaching herewith a small order from the St. Louis Police Department, \* \* \*

You will note that I figured the quantity discount at 5 percent instead of 10 percent which they would be entitled to by grouping the grenades and candles, also the same with the shells.

I figure Nick Bosch is entitled to this extra five, \* \* \*

Pt. 15-D, exhibit 3730, p. 7199, letter from H. B. Flaugh to A. S. Ailes, October 5, 1985.
 Pt. 15-D, exhibit 3736, p. 7201.

FEDERAL WILL NEVER GET IN HERE AS LONG AS I AM HERE.

Please write Lieutenant Bosch a personal letter thanking him for this order

The following notation was added to this letter:

This letter should not be placed in your files but destroyed after accounting instructions are understood.

Lieutenant Bosch's 5 percent, to which the city of St. Louis was entitled, amounted to \$82.80. Mr. Ailes replied on June 7, 1934, to Mr. Gresham suggesting that Lieutenant Bosch be given some "particular weapon" as a gift, in appreciation of his efforts.<sup>36</sup> Lieutenant Bosch's efforts in behalf of Lake Erie continued over a considerable period of time, being mentioned in a letter from Fred Searle, Lake Erie salesman, to A. S. Ailes, dated August 21, 1935, in which plans for a prospective gas demonstration were discussed:

Then I will build it up into a real show and invite all the surrounding chiefs of police, Colonel Lowe, Mr. Shapleigh, the Citizens Military Committee and several of the industrial plant's internal police heads. Lieutenant Bosch feels that it would be more to all of our interests if he did not appear as being active in the promotion of this show, and I agree with him. We don't want Major Lambert (Mayor of St. Louis) to think that Nick is interested in the sale of our equipment.

\* \* Nick says he will ask for at least 50 of them (Tru Flite gas shells) as a start and recommend that simultaneously with our show and at the same place a

start and recommend that simultaneously with our show and at the same place a practice training of all the city riot squads be held so as to use up some of his present equipment.37

In Toledo, Ohio, the Lake Erie Chemical Co. sought to establish cordial relations with a captain on the city police force named Charles Hennessey. On April 18, 1934, Vice President Ailes wrote to Captain Hennessey thanking him for recommending Lake Erie products to "some of the companies having labor troubles at Toledo." 38 Later a Lake Erie salesman reported that Captain Hennessey was planning to induce the police department to buy Lake Erie gas, and he asked his superiors in the company "what kind of a proposition" he should offer him in return.30 Although the Lake Erie Chemical Co., sold \$5,733.79 worth of gas to the Electric Auto-Lite Co., in Toledo, during the few weeks immediately following this letter there is nothing in the record to indicate that any "proposition" was consummated between that firm and Captain Hennessey.40

The Manville Manufacturing Corporation found it advantageous to have the postmaster at Akron, Ohio, one L. D. Carter, as its sales agent in the Akron territory.41 Mr. Carter sold a considerable quantity of gas equipment to the Akron rubber companies. While it does not appear that he made any profit directly because of his official position, his correspondence indicates that he was anxious that his connections not be disclosed.42 In February 1936 Mr. Carter was released as postmaster, but continued as a salesman for the Manville Manu-

facturing Corporation.48

<sup>\*\*</sup> Pt. 15-D, exhibit 3738, p. 7202.

\*\* Pt. 15-D, exhibit 3739, p. 2203.

\*\* Pt. 15-D, exhibit 3742, pp. 7204-7205.

\*\* Pt. 15-D, exhibit 3747, p. 7206.

\*\* Pt. 15-D, exhibit 3747, p. 7206.

\*\* Pt. 15-D, exhibit 191, p. 572, a list of sales of gas and gas equipment by the Lake Eric Chemical Co. For a frank statement by a munitions salesman, of the necessity of doing favors for police officials, see. pt. 2, p. 448, p. 453, testimony of I. H. McCarty.

\*\* Pt. 15-D, exhibit 3778-3783, pp. 7236-7239.

\*\* Pt. 15-D, exhibit 3781, p. 7238.

\*\* Pt. 15-D, exhibit 3783, p. 7240.

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The bitter competition between salesman Joseph M. Roush, representing Federal Laboratories, Inc., and Ignatius H. McCarty, representing the Lake Eric Chemical Co., to sell tear gas and gas equipment to the city of San Francisco during the waterfront strike in 1934, and its climax in the struggle over payment for the order of \$13,000 delivered to the city by Roush, has been fully disclosed in chapter VI.4 These rival salesmen, in order to stand in the good graces of the San Francisco police department in their fight for its business, allied themselves with rival factions on the police force. Mr. McCarty established sympathetic relations, according to his correspondence, with the captain of detectives, Dullea, while Mr. Roush attached himself to Sergeant Thomas F. McInerney and Officer Myron Gurnea, who worked in the office of the chief of police, William J. Quinn. 45 There is no space or need in this report to go into the complicated network of intrigue and counterintrigue which these salesmen apparently found to be a necessary part of the business of selling munitions in the city of San Francisco.

In the rioting on the San Francisco waterfront in July each salesman was accompanied by his sympathizers on the police force. Roush was often accompanied, in leading squads of policemen armed with gas, by Sergeant McInerney and Officer Gurnea, whom he called it a letter to Vice President Barker "not only my friends but my biggest boosters." 46 Mr. Carty's gas squad included Captain Dullea, presumably boosting for Lake Erie. 47 Apparently Mr. Roush's friends were better boosters, for Federal Laboratories, Inc., received a larger order, and Roush's commissions on the San Francisco sales totaled \$4,406.94.48

After the strike Mr. Roush arranged with Federal Laboratories, Inc., to transport both his friends to a sales convention of Federal Laboratories, Inc., in Pittsburgh. The party visited New Orleans, the Century of Progress in Chicago, Pittsburgh, New York City, and other cities in the East. The munitions company and the salesman

paid all expenses of the trip.50

A suggestion of the sales efforts of McInerney and Gurnea on behalf of Federal Laboratories during the eastern trip appears in a letter from Vice President Barker to Officer Gurnea, dated October 17, 1934, shortly after the junket. Mr. Barker tells of a recent demonstration given in New York City at which 1,200 men were gassed, "for the benefit of Commissioner General O'Ryan." Unfortunately for Federal Laboratories, however, the commissioner resigned that Then Mr. Barker adds significantly, to Officer Gurnea: same day.

\* \* \* so that all of the work you men did, and the work we have done in the past, seems to have been nullified. 51

Having thus established cordial relations with these members of the police department of the city of San Francisco, officers of Federal Laboratories, Inc., took thought concerning their future sales to that

<sup>44</sup> See pp. 141-144
48 Pt. 2, exhibit 255, p. 644 ff; pt. 15-D, exhibit 3712, pp. 7123.
49 Pt. 7, exhibit 921, p. 2724.
47 Pt. 2, exhibit 250, p. 633.
48 Pt. 15-D, exhibit 3708, p. 7100.
49 Pt. 15-D, exhibit 3712, deposition of J. M. Roush, p. 7141.
49 Pt. 15-D, exhibit 3712, p. 7142 ff.
41 Pt. 15-D, exhibit 3624, p. 7035.

city. On November 20, 1934, Vice President Barker of Federal Laboratories, Inc., wrote to Officer Gurnea suggesting that in the event of future necessity for the purchase of tear gas, specifications be set up "which will make it difficult for our friend McCarty to put over any fast move." Mr. Barker continued:

I am sure if you will tell us what you have in mind, before you put up the bids, assuming you have time, we can be very helpful, give you the benefit of other similar experiences, and make sure that this man gets paid in measure, for the difficulty that he produced.52

This is a veiled suggestion that Officer Gurnea see that specifications in future invitations for munitions bids be written to exclude the Lake Erie Chemical Co., from future San Francisco business. 52

Federal Laboratories, Inc., as has been pointed out above in chapter VI, went beyond influencing mere police department officials, in its attempts to facilitate the sale of its products in California. The company offered Clarence S. Morrill, chief of the Division of Criminal Identification and Investigation of the State of California a sales agency for the territory of Alaska. While there is no evidence that Mr. Morrill actually undertook to sell tear gas for Federal Laboratories, Inc., in Alaska, the company's offer is established by two documents from Mr. Roush's files. The purpose of this offer was clearly stated in a letter from Roush to the treasurer of Federal Laboratories, Inc., on June 18, 1935:

Mr. Morrill, as you know, is one of the men that has the final say-so in issuing the State tear gas and machine gun permits and will also be a deciding factor in He has been more than friendly and helpful to use in the past two years and we cannot afford to antagonize him in any way.56

## SECTION 8. PROPOSALS TO ARM INDUSTRIAL PLANTS

Both the major gas munitions firms drew up plans for the equipment and defense of industrial plants with tear-gas weapons in anticipation of strikes. The plan provided by Federal Laboratories, Inc., had reference to one of the large steel companies in Pittsburgh area.<sup>57</sup>

The plan drawn by the Lake Erie Chemical Co. was intended for the Dodge Bros. Corporation in Detroit in October 1933.58 The obvious purpose of these plans is to induce the companies involved to purchase large quantities of tear gas and tear-gas equipment. plans lay great stress on the possibility that the plants may be invaded by mobs, quite obviously playing upon the fears of the employer. The equipment listed in these plans as necessary and the directions for its use indicate that it is intended to be used by company police upon picket lines or demonstrations in streets outside the plant. is particularly true of the plan drawn up by Col. B. C. Goss, president of the Lake Erie Chemical Co., for the director of plant protection of the Dodge Bros. Corporation.

<sup>\*\*</sup> Pt. 15-D, exhibit 3625, p. 7036.

\*\* Officer Gurnes left the San Francisco Police Department on the day this letter was written.

\*\* See pp. 139-144.

\*\* Pt. 7, exhibit 876, p. 2671; ibid, exhibit 877, p. 2671.

\*\* Pt. 7, exhibit 870, p. 2668.

\*\* Pt. 7, exhibit 883, pp. 2674-2676.

\*\* Pt. 15-D, exhibit 3718, pp. 7189-7192.

Colonel Goss states quite frankly in his plan: a to these tender fould

This discussion will deal only with emergencies involving a mob or riot. Situations in which patrolmen are called upon to deal with individuals or small groups or individuals intent upon doing damage have no place in this discussion.

In treating mob situations Colonel Goss wisely suggested that "the defense should avoid ill-advised acts of violence."

Colonel Goss recommended the creation of a special chemical platoon among the plant policemen, consisting of five cars of four men each. Each of these cars was to be equipped with an extraordinary amount of tear-gas weapons. Each member of the platoon was to have one long-range gas field gun, one-half dozen long and one dozen short-range gas shells, one dozen combination vomiting and tear gas candles, one dozen green band explosive gas grenades, one-half dozen smoke screen candles, and as a necessary measure of protection, if he ever discharged a fraction of his own gas equipment, one special gas mask. In addition, various offices and gates in the plant were to be stocked with quantities of gas grenades, gas guns, and gas shells. The extent of the gas equipment called for by this plan would seem to be a gas salesman's fantasy were it not for the fact that companies such as Republic Steel Corporation have actually purchased tear gas in comparable quantities.

This plan is seasoned with technical military terms. The main plant of the company is referred to as corps headquarters, and the company policemen who are to be entrusted with the use of the gas are designated as motorized chemical troops. Colonel Goss is careful to state that adequate and intensive training in the use of chemical weapons must be given to the plant policemen. It is probable that such solicitude for training in the use of gas arises not so much from the fear that the gas weapons will be improperly used as from the fact that training means the expenditure of considerable quantities of gas.

The plan drawn up by Federal Laboratories, Inc., was for the Pittsburgh plants of an unnamed steel company. It is more truly defensive in character than the project outlined by Colonel Goss. Nevertheless this plan contemplates the establishment of special forces of men to be rushed in armored cars to any point "which may need additional manpower or equipment."

The company police force is obviously to be equipped with material for aggressive use against pickets. Speaking of a section of one of the company's plants where there were "few employees at the present time due to slowness of operation," the plan states:<sup>61</sup>

The training of your police force at this plant will differ slightly from other plants inasmuch as their chief function will be that of guarding property.

Presumably the function of the police force in the other plants would include something other than the guarding of property.

The Federal Laboratories, Inc., plan recommends staggering gondola cars on the railroad tracks along the open unfenced sides of the plant. It also recommends "the laying down of an emergency fire and steam

M Ibid, p. 7190.
 John W. Young, president of Federal Laboratories, Inc., could not remember what company his plan was prepared for. He testified that it might have been any one of three companies in the Pittsburgh area, including United States Steel or Jones & Laughlin. He testified that he had drafted defense plans for several plants in Pittsburgh (pt. 7, p. 2469).
 Pt. 7, exhibit 883, p. 2676.

line" along such exposed portions of the property. Presumably this means the use of fire and steam hoses to protect the property from pickets.

That the plan definitely contemplated the use of industrial munitions for policing picket lines is further indicated by a passage which reads as follows: 62

Further in case of labor trouble your employees could be brought in the -Gate, which lies in a less desirable neighborhood, and in that way eliminate any trouble at your main gate which could be considered objectionable to residents in that vicinity.

The committee has no knowledge of how many industrial companies, if any, have adopted such plans for the fortification and arming of their plants. The fact that munitions companies propose such plans as part of their sales campaign indicates, however, that they look upon the plant arsenal, and the equipping and reequipping of industrial plants with gas weapons as one of the objectives of their business.

<sup>#</sup> Pt. 7 exhibit 883, p. 2675.

# CHAPTER VIII. Existing Legislation Concerning Industrial Munitions

There is little existing legislation dealing specifically with munitions or firearms as they affect problems arising out of industrial relations. The possession, purchase, or use of firearms is covered generally by State statutes, and the trade in or the possession of tear gas and teargas weapons falls within the scope of certain State laws of limited There are a few exceptions to this general rule. For example, a statute in Rhode Island prohibits the use of tear gas in industrial disputes by others than public officers. Since the committee began its inquiry into the practices of industrial munitioning Pennsylvania has made it a crime to donate arms or gas to any public officer, and New-York has prohibited detective agencies from engaging in the furnishing of munitions to employers or their agents. Such recent developments, however, serve only to emphasize the fact that legislative recognition of the industrial aspects of the possession and use of munitions is only beginning. Existing statutes, in general, are drawn principally to cover the evils of the unregulated use and possession of arms by criminals and lawbreakers. While of limited scope, given strikes or industrial disputes may, on occasion, offer opportunity for their application. It is important, therefore, to review and examine such existing statutes in order to estimate their potential effectiveness in the sphere of industrial warfare.

#### SECTION 1. STATE LEGISLATION AFFECTING TEAR GAS

## A. Analysis of Existing State Laws

It is noteworthy that the States in which the largest sales of tear gas have been made have no legislation specifically restricting the possession or use of such gas or gas equipment. As has been demonstrated in chapter III, the great industrial States of Pennsylvania, Ohio, Illinois, and Indiana, are responsible for most of the trade in gas munitions. None of these States have any statutes applicable to the purchase, possession, or use of tear gas by private persons or corporations. New Jersey, which also includes important buyers of gas, likewise has no statutory restrictions.

Twelve States have laws specifically referring to tear gas, or other forms of nonlethal gas, or equipment used for its discharge. Certain other States, discussed below, have laws referring to the possession or use of "bombs." These statutes vary in their definition of the term "bomb." In some of these statutes, the definition, however, could reasonably include devices for discharging tear gas or sickening gas. Whether such statutes are applicable to tear gas, depends, of course,

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on their judicial interpretation.

(1) Restrictions on possession of tear gas:

Five States have approached the problem of regulation by requiring persons or corporations to obtain a license or permit or the approval of an official or agency of the State in order to possess tear gas. most of these States, issuance of a license or permit depends solely on the discretion of the individual officer or agency having jurisdiction over this matter, and there are no specific limitations in the statutes on the exercise of this discretion. A permit may be issued in California where "good cause" exists and in Vermont "under such conditions as the attorney general may prescribe." In the State of Michigan, a license may be issued by the "concealed weapons licensing board to any bank, trust company, armored-car company, railway company, express company, or other company, institution, copartnership or individual having in its, their, or his possession large sums of money or other valuables, authorizing such licensee to equip the premises or vehicles under its, their or his control with gas-ejecting devices to be used solely for the purpose of protecting such premises or vehicles and the persons or property therein from criminal assaults \* \* \* under such regulations as the Commissioner of Public Safety may prescribe." Approval for the possession of gas guns, gas shells, and gas grenades may be given in Louisiana 'by the Superintendent of the Bureau of Criminal Identification and Investigation, "where the purpose is shown to be lawful" under regulations to be prescribed by the bureau. The statute in Louisiana further provides that all persons in possession of tear gas must register with the bureau. In Wisconsin the statute is phrased to impose a prohibition on the sale, possession, use, and transportation of any container into which tear gas is placed, but "any person duly authorized by the sheriff of the county or the chief of police of the city" may engage in the prohibited activities. All of these States, except Vermont, exempt police officers or peace officers or persons in military service in the discharge of their duties. In the State of Louisiana another statute empowers the police juries of the civil parishes to equip the sheriffs and deputy sheriffs with tear gas and tear-gas guns. Officers of the State or of any parish in Louisiana, like other persons, are required to register with and obtain the approval of the Bureau of Criminal Identification and Investigation. Characteristic of all these statutes except the one in Michigan is the complete discretion placed in the hands of the administrative agency or official. The feeble administration of one of these laws is amply demonstrated in the committee's records.7

Provision for the revocation of a license is made in two of these States. In California a permit may be revoked when it appears that the need for possession has ceased or that the holder of the permit has made wrongful use of tear gas. In Michigan a license may be revoked where the licensee has been convicted of a felony, and whenever, in the judgment of the licensing board, reason for granting the license no longer exists.

7 See pp. 174-176.

California Laws (1931, amended 1933), Deering's General Laws (1937), vol. 1, act 2955, §§ 1-7.

§ Vermont Laws (1933), title 37, ch. 338, §§ 8434, 8435.

§ Michigan Laws (1929), Stats. Ann. (1938), vol. 24, §§ 28.94, 28.96.

4 Louisiana Laws (1935), 4th extra session. No. 17, p. 34.

§ Wisconsin Laws (1934), Wisc. Stats. (1937), § 164.20.

§ Louisiana Laws (1934), Act No. 197, p. 595.

A number of States have enseted laws prohibiting the possession or use of bombs, containing "injurious substances" or "noxious gases." in certain limited situations. These statutes were primarily intended to restrict the possession and use of the stink bomb, a device containing malodorous fumes, used principally for the annoyance and dispersal of groups of people. It is possible, however, that these statutes might be construed to include tear gas within their prohibitions. Because of the limitations circumscribing the application of most of these statutes they would appear to be of little or no effect in controlling the possession or use of tear gas in industrial disputes.

New York makes it a misdemeanor for any person other than a peace officer or a public officer to possess a "stink bomb" under circumstances evincing an intent to use or allow it to be used for the purpose of injuring person or property. Possession of a stink bomb raises a presumption of possession with intent to use in violation of the provisions of the act. The statute defines a stink bomb as "any vessel, receptacle, projectile, missile or container of any kind containing valerian, butyric acid, asafetida, hydrogen sulphide, or any, other drug or substance capable of generating offensive, obnoxious, or suffocating fumes, gases, or vapors." An opinion of the attorney general of New York states that tear gas comes within the above definition.10 It was also the opinion of the attorney general that "tear gas utensils" cannot be possessed by any person other than a peace officer or public officer and sales thereof cannot be made to persons other than such officers.11

Among other States which have enacted laws prohibiting or regulating the possession of "bombs" without specific reference to tear gas are Indiana and North Dakota. Indiana 15 makes it a felony to possess a bomb loaded with explosive or poisonous or dangerous gases. This statute exempts police, sheriffs, and members of the military and naval forces of the United States or National Guard from the operation of the law, while in the discharge of their duties. In North Dakota 13 the judge of the district court in which the applicant is a resident has discretion to issue a license for the sale, gift, loan, purchase, or possession of any bomb loaded with explosives or poisonous; or dangerous gases, on approval of the issuance of such license by the sheriff of a county, or the chief of police of a city. The exemptions in the North Dakota law are similar to those contained in the Indiana statute. In these two statutes there is no specific prohibition on the possession of tear gas. The statutes apply in general terms to "poisonous and dangerous gases." It would seem clear from the committee's study of the effects of tear gas, however, that it should be classified as dangerous within the meaning of these statutes.

<sup>\*</sup> Minois Laws (1921) p. 405; Minnesota Laws (1931), ch. 86; New Jersey Laws (1933), ch. 89; Ohio Laws (1933), p. 70; Oregon Laws (1931), ch. 849; Pennsylvania Laws (1929), p. 778; Texas Laws (1932), 3d Ex. Sp.

ch. 43.

New York Laws (1933), McKinney's Consol. Laws, 39 Penal Code, § 726.

10 48 State Department 479, opinion of the attorney general (1933).

114 State Department 471, opinion of the attorney general (1933).

12 Indiana Laws (1927) Burns Stats. Ann. (1932) v. 4 §§ 10 (4712-4714).

13 North Dakota Laws (1931) ch. 178 §§ 1-4.

(8) Restrictions on the use of tear gas:

Six States have passed laws restricting the use of tear gas in certain limited situations. These statutes refer to tear gas, but follow the theory of the "stink bomb" statutes in their restrictions on use. South Carolina 14 it is a misdemeanor and in Alabama 15 it is made a felony for any person to deposit or throw tear gas in or near any public building, theater, or private residence. The South Carolina law exempts from its operation peace officers engaged in the discharge of their duties. No provision for exemptions is contained in the Alabama statute. It would seem that neither of these laws places any restriction except incidentally on the use of tear gas by industrial corporations or their agents during industrial disputes.

The States of California, Iowa, Virginia, and Washington extend their prohibition to the depositing or throwing of tear gas in or near any building or place of public assemblage.16 Possession of tear gas with intent to use in the manner prohibited is made unlawful in the States of Iowa and Washington. All of these States exempt either police officers or peace officers or persons in military service in the discharge of their duties. "Any property owner or person acting under his authority in providing protection against the commission of a felony" is permitted to use tear gas in the State of Washington. In Virginia tear gas may be utilized by "any person or persons in the protection of person life or property" protection of person, life, or property.

The State of Kansas makes it a misdemeanor for any person to possess tear-gas bombs with intent to use or cause the same to be used for an unlawful purpose or to attempt to use it to the injury of persons or property or to deposit it on the premises of another without his consent.<sup>17</sup> Possession of tear-gas bombs is deemed prima facie evidence of an intention to use the same for an unlawful purpose.

Rhode Island is the only State which specifically prohibits the use of tear gas in industrial disputes. The statute makes it a misdemeanor for "any person, firm, or corporation to use or cause to be used during the progress of labor strikes or lockouts of any type, tear-gas, brombenzylcyanide or any other gas which would affect the respiratory organs." Police officers, peace officers, and members of the militia in the discharge of their duties are exempt from the prohibition contained in the statute.

The statutes of Michigan, Vermont, and Wisconsin, which have been discussed above in reference to their restrictions on the possession of tear gas, apply the same regulations to the use of tear gas by persons or corporations, viz, the requirement of obtaining a license or the approval of a specified official of the county or State.19

(3) Restrictions on furnishing or donation of tear gas:

The committee's records are replete with instances of detective agencies and their employees acting as salesmen for the major teargas concerns.20 The New York "Goldberg Act" of 1938 which pro-

<sup>\*\*\*</sup> South Carolina Laws (1933) No. 118, p. 137.

14 Alabama Laws (1931) Code (1928) Supp. § 5010 (1-3).

15 Iowa Laws (1933) Code (1935) § 13245-e (1-5); Virginia Laws (1934) Code (1936) § 4578-a; Washington Laws (1927) Remington's Rev. Stats. (1932) vol. 4, title 14, ch. 7, § 2504-1; California Stats. (1931, amended 1933), p. 1660, Deering's Penal Code (1937), § 376.

17 Kansas Laws (1929) ch. 171, Corrick's General Stats. Ann. (1935), secs. 21-2453, 2454.

18 Rhode Island Laws (1936-38), ch. 2619.

<sup>10</sup> See p. 170. № See ch. IV, pp. 94-96.

vides for the regulation and licensing of detective agencies, effectively restricts this practice by making it "unlawful for the holder of a license or for any employee of such licensee to furnish or offer to furnish to employers or their agents any arms, munitions, tear-gas implements, or any other weapons \* \* \* within or without the State of New York." 21

Pennsylvania has recognized the evil inherent in the practice of allowing industrial corporations to make donations of arms, or tear gas to governmental officials or agencies. On June 4, 1937, the Commonwealth of Pennsylvania passed a law making it a misdemeanor for the Commonwealth or any political subdivision thereof or any official or agent thereof to accept as a donation any arms, ammunition, military supplies, or tear gas or for such donation to be made by any person or corporation.<sup>22</sup>

Persons or corporations who wish to pledge, lease, loan, or donate gas guns, gas shells, or gas grenades in the State of Louisiana must obtain the approval of and register with the Bureau of Criminal

Identification and Investigation.

(4) Restrictions on the sale and manufacture of tear gas:

Four States have regulations affecting the sale of tear gas or teargas weapons. In the State of Michigan 24 persons or corporations must obtain a license from the "concealed weapons licensing board" in order to sell "any gas-ejecting weapon, cartridge, or device to any person duly authorized by law to possess the same."25 The State of Louisiana 26 requires vendors of gas guns, gas shells, and gas grenades to register with the superintendent of the Bureau of Criminal Identification and Investigation. Dealers must keep records and render such returns in relation to their transactions as the superintendent of the said bureau may require. In Wisconsin 27 the sale of tear-gas equipment is prohibited except where the sheriff of a county or the chief of police of a city authorizes its sale.

Retail dealers in California 28 must be licensed by the superintendent of the Division of Criminal Identification and Investigation. A complete record of sales must be kept, showing the name and address of the purchaser, the quantity and description of the articles purchased, and the signature of the purchaser or his agent. A sale may not be made unless the purchaser displays a permit authorizing him to make such purchase. These records are open only to the inspection of peace officers, and persons designated by the superintendent of the Division of Criminal Identification and Investigation.

Four States have regulations affecting the manufacture of tear gas or tear-gas weapons. In Louisiana 29 manufacturers must register with the superintendent of the Bureau of Criminal Identification and Investigation and in Vermont 30 a permit must be obtained from the

<sup>19</sup> See footnote <sup>4</sup>, p. 170. ₩ See footnote <sup>2</sup>, p. 170.

New York Laws (1938), McKinney's Consol/Laws, Supp. (1938), 19 Gen. Business, sec. 84.
 Pennsylvania Laws (1937) Purdon's Code Ann. Supp. (1937) title 16, ch. 1, § 192 (e-h). For a discussion of this law see above, pp. 131-126.
 Louisiana Laws (1935), 4th extra session, No. 17, p. 34.
 See footnote \*, p. 170. Michigan Laws (1929), Stats. Ann. (1938), vol. 24, § 29.94, 28.96.
 See p. 170.
 See footnote \*, p. 170.
 Wisconsin Laws (1934), Wisc. Stats. (1937), § 164.20.
 California Laws (1931, amended 1933), Deering's General Laws (1937), vol. 1, Act 2955 § 1-7.
 See footnote \*, p. 170.
 See footnote \*, p. 170.
 See footnote \*, p. 170.

attorney general. In Michigan, si in addition to applying the same restriction to the manufacture as is applied to the sale of tear gas, the act excepts those persons "manufacturing firearms, explosives, or munitions of war by virtue of any contracts with any department of the Government of the United States or with any foreign government, State, municipality, or any subdivision thereof." In Alabama 22 it is unlawful to possess ingredients for the purpose of manufacturing teargas bombs. The statute in Alabama declares it to be prima facie evidence of intent to deposit or throw tear gas in or near any public building, theater, or private residence where persons are in possession of ingredients commonly used for the manufacture of tear-gas bombs. Regular licensed druggists, or chemists, or persons in possession of such ingredients for medicinal or domestic purposes, are exempt from the operation of this provision.

#### B. OPERATION OF EXISTING LEGISLATION

While the above-mentioned statutes have little or no bearing on the industrial use of gas and gas equipment, the wide administrative latitude bestowed in some instances upon State officials in the issuance of permits for the purchase and possession of gas is capable of being exercised to curb or restrict industrial use. In only one State, however, was the committee able to undertake an examination of the operation of any of these State laws. In that State, administrative discretion in the issuance of permits was exercised not so much for restricting as for increasing the trade of the tear-gas salesmen and the

distribution of their products.

This State was California, where purchasers of tear gas must secure a permit approved by the Chief of the Division of Criminal Identification and Investigation. In practice, the approval of the Chief of the Division of Criminal Identification and Investigation was given only to applicants for permits who had secured the approval of the local chief of police or sheriff. As far as the committee's records show, the details of obtaining the necessary approval and securing the permits were customarily handled by tear-gas salesmen for their clients. Ashfield E. Stow, assistant to the operating manager of the American-Hawaiian Steamship Co., of San Francisco, testified, when asked how his tear-gas permit was obtained, "I don't know; Roush (Federal

Laboratories salesman) gave it to me." 34
With one exception, the munitions salesmen seemed to have had little difficulty in California in securing permits for their customers.36 According to the correspondence of the salesmen with their home offices, police departments of cities located in Los Angeles County, for a period toward the end of 1933 and in 1934, were reluctant to grant permits to private purchasers of gas. This attitude did not, however, prevent the salesmen from selling their wares. In one instance, a salesman for Federal Laboratories, Inc., failing to secure

<sup>\*\*</sup> See footnote \*\*, p. 170.

\*\* See footnote \*\*, 172.

\*\* See correspondence between Federal Laboratories salesmen and C. S. Morrill, chief, Division of Criminal Identification and Investigation, pt. 7, exhibits 871-872, pp. 2668-2669 and pt. 15-D, exhibits

<sup>3576-3577,</sup> pp. 6994-6995.

\*\* Pt. 15-D, exhibit 3711, p. 7104, deposition of Ashfield E. Stow.

\*\* Pt. 15-D, exhibit 3712, p. 7115, deposition of Joseph M. Roush.

the approval of the police department, secured the approval of the sheriff of Los Angeles County and thereupon the chief of the State Division of Criminal Identification and Investigation issued the permit. Somewhat later, in 1934, when the police department of the city of Los Angeles refused to approve purchases of gas by private corporations, the chief of the State Division of Criminal Identification and Investigation informed the munitions salesmen that permits were not required where purchases of gas were made by private persons for the use of public authorities.

The difficulty of getting permits in Los Angeles County in 1934 came to the attention of the officers of the Federal Laboratories, Inc., in Pittsburgh, Pa. On May 25, 1934, Bailey H. Barker, vice president of Federal Laboratories, Inc., wrote to Donald J. Wright, one of Federal Laboratories salesmen in California, in part as follows:

Thank you very much for your May 19th report. I am sorry to see the attitude that the State Tear Gas Law brings about, under your present strike conditions \* \* \* ditions

Have you done everything with your friend at Sacramento that is possible, to get by, under conditions of a similar character, should they arise again? That's the only suggestion I can make to you.36

On the stand before this committee, Mr. Barker testified that by "your friend in Sacramento," he meant Clarence S. Morrill, chief of the State Division of Criminal Identification and Investigation. The efforts of the Federal Laboratories salesmen to enligh the sympathy of Mr. Morrill are more fully described in the correspondence of salesman J. M. Roush, some few months later. On August 15, 1934. Mr. Roush wrote to salesman Wright in part as follows:

Made a deal with Clarence Morrill yesterday for the introduction of the line into Alaska. B. H.<sup>60</sup> seemed quite pleased. Hope that they sell a lot of equipment. He (C. M.) also said to keep plenty of gas and guns on hand as he expects a lot of trouble later in the year.41

When asked about these arrangements on the witness stand, Mr. Barker, Federal Laboratories sales manager, replied:

I would not be familiar with any such arrangement.42

That Mr. Barker was familiar at least with the arrangements in this case was established by his letter to Mr. Roush dated, August 15, 1934, which revealed that the two of them had discussed Mr. Morrill's agency arrangements over the Pittsburgh-San Francisco long-distance telephone. Speaking for Federal Laboratories, Mr. Barker wrote:

Confirming today's conversation over the telephone. It will be agreeable for Mr. Morrill and his son to openly negotiate for us in Alaska, and we will be glad

M Pt. 7, exhibit 871, exhibit 872, pp. 2668-2669, correspondence between Donald J. Wright, salesman for Federal Laboratories, Inc., and Clarence S. Morrill, chief of the State Division of Criminal Identification and Investigation. The purchases involved were made by 4 meat packing companies located in Vernon, Calif. For amounts purchased, see pt. 15-D, exhibit 3572, p. 6950. The incident indicates that the chief of the State Division of Criminal Identification and Investigation does not require the approval of both the chief of police and sheriff to whose jurisdiction the prospective purchaser is subject. The approval of either will suffice.

17 Pt. 15-D, exhibit 3577, p. 6995, a letter from C. S. Morrill to George F. Cake, Federal Laboratories salesman. This incident has been fully discussed in ch. IV. (See p. 139.) For other examples of difficulties encountered by salesmen in securing the approval of local police authority, see pt. 7, exhibit 873, p. 2669, a letter from Donald J. Wright to B. H. Barker; pt. 15-D, exhibit 3579, p. 6998, correspondence of Donald J. Wright, Federal Laboratories salesman in California.

18 Pt. 7, exhibit 874, p. 2670.

19 Pt. 7, p. 2462.

19 Pt. 7, p. 2463.

to work out some basis of compensation for him should anything concrete develop

during the period of his stay.

Be careful of any promises you make him, and when you have made an arrangement with him, send us in detail, exactly what the plan is. Possibly you can bring this in at the time you come in to the convention, but I would rather have it sooner, if possible.43

John W. Young, president of Federal Laboratories, Inc., informed the committee that neither Mr. Morrill nor his son ever actually represented Federal Laboratories as salesmen or received any commissions.4 On the other hand, neither Mr. Young, Vice President Barker, or Mr. Young's chief assistant, when testifying for the committee, could recall a case in which Mr. Morrill had refused a permit for the sale of Federal Laboratories gas or gas equipment in California.46.

A Federal Laboratories salesman in California, in spite of the fact. that the California law did not seem to diminish gas sales appreciably there, felt that legislation applicable to the sale of tear gas should be

opposed by his company.

He wrote to the home office as follows:

Whatever you do keep fighting the legislation against gas in the other States. The idea of the legislation is all right, but when the authorities get tough and go to extremes for no reason whatsoever, when legitimate purchasers are seeking to protect their own property, then the idea is all wrong.

This statement shows the potentially restrictive effect even of those laws which allow such wide administrative discretion as the California statute.

Another California salesman for Federal Laboratories, Joseph M. Roush, 2½ years after he had left the munitions business, felt that the California law was not stringent enough. Apparently he would have preferred less latitude in the administrative issuance of permits for the purchase of gas. Testifying before an examiner for this committee, he stated:

\* . \* On the other hand, by having proper law this type of equipment could: not be sold indiscriminately. I feel that our present law, or an even more stringent. one, is highly necessary.

Q. Why do you consider a more stringent law necessary?—A. I believe a law should require the amount and type of equipment sold to be filed preferably with,

a Federal agency or at least a State agency.47

### SECTION 2. LEGISLATION AFFECTING MACHINE GUNS

The purchase and possession of firearms in general is covered by State statutes of varying degrees of effectiveness. This report is more concerned with legislation affecting arms peculiarly adapted to industrial strife. Of these the submachine gun, machine gun, and the sawed-off shotgun are most important. The purchase and possession of such weapons are subject both to Federal regulation under the National Firearms Act and to restrictions under State laws in more than half of the States. All of these laws, both State and Federal, were drawn primarily with the purpose of keeping such weapons out of

<sup>4</sup> Pt. 7, exhibit 877, p. 2671.
4 Pt. 15-D, exhibit 3626, pp. 7036 ff, a letter from John W. Young to Senator Robert M. La Follette, Jr., dated Mar. 24, 1937.
4 Pt. 7, p. 2462.
4 Pt. 15-D, exhibit 3579, p. 6998.
4 Pt. 15-D, exhibit 3712, p. 7115, deposition of Joseph M. Roush.

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the hands of criminals or facilitating the prosecution of criminals for their use or possession. Nevertheless, these laws apply broadly to the purchase or possession of these guns and must be considered by any private individual desiring to possess or use such weapons.

## A. THE NATIONAL FIREARMS ACT

The National Firearms Act, which was enacted in June 1934, had as its primary purpose the creation of an instrument to aid the Federal Government in coping with "the roaming predatory criminals who know \* \* \* that they are safer if they pass quickly across a State line, leaving the scene of their crime in a high-powered car or by other means of quick transportation." This it sought to do by requiring the registration of every machine gun, and placing a punitive tax upon the transfer of submachine guns and sawed-off shotguns to any private individual or purchaser. The act does not prohibit the private possession of these arms. Its principal provisions are as follows:

The act provides for a check on all machine guns and sawed-off shotguns being manufactured and dealt in commercially, by requiring manufacturers and dealers to register with the Bureau of Internal Revenue, and to keep records of their transactions, paying a special classified tax annually. Manufacturers are also required to place a serial number or other mark of identification on each weapon, in order that ownership may subsequently be traced.

In order to obtain a record of all private individuals and corporations who possessed machine guns and sawed-off shotguns, every person in possession of such weapons on July 26, 1934, was required to register such weapons with the Bureau of Internal Revenue, giving his name and address, and the identification mark of the weapon, on or before September 24, 1934 (whether or not it was in his possession on the latter date). It is further made unlawful to ship, carry, or deliver such firearms in interstate commerce without having complied with this provision.

After thus requiring the registration of all machine guns and sawed-off shotguns in the possession of private persons and corporations, the act set up machinery for identifying all weapons transferred and all persons who transferred or received machine guns or sawed-off shotguns. A tax of \$200 is placed on each transfer, to be paid by the transferor (the term "transfer" being defined to include sell, assign, pledge, lease, loan, give away, or otherwise dispose of). Each transferee is required to submit an application to the Bureau of Internal Revenue, identifying the weapon and himself, before a transfer may be made. Fingerprints and a photograph are required if the transferee is an individual.

The transfer tax, and the regulations applicable to the transfer of machine guns and sawed-off shotguns do not apply to the transfer of such firearms to the United States Government, or to any State or political subdivision thereof, or to any peace officer or Federal officer designated by regulations of the Commissioner of Internal Revenue.

<sup>48 48</sup> Stat. 1239, U. S. C. A. (1934, amended 1936) title 26, secs. 861a-861q.
49 Statement by the then Attorney General, Homer S. Cummings, at the hearings before the Committee on Ways and Means of the House of Representatives, 73d Cong., 2d sess., on H. Rept. 9066.

Where a transfer is made to persons exempt from the act, however, the transferor is required by the Bureau of Internal Revenue to submit an application for exemption from payment of the transfer tax, identify-

ing the transferee and the weapon.

The act on its face seems to be adequate for the accomplishment of its purpose. It requires the identification of all persons in possession of, or who purchase, machine guns or sawed-off shotguns. In effect, it prevents the purchase of such firearms by criminals and permits their prosecution, the logical assumption being that gangsters will not come forward to identify themselves in order to purchase machine guns or sawed-off shotguns, or register those weapons already in their possession.

# B. STATE LEGISLATION AFFECTING MACHINE GUNS

Fifteen States lack specific legislative restrictions upon the possession or transfer of machine guns. These States are Alabama, Arizona, Colorado, Florida, 10 Idaho, Kentucky, Maine, Mississippi, Nevada, New Hampshire, New Mexico, Oklahoma, Tennessee, Utah, and Vermont. Other States have adopted some form of regulation or restriction upon the use, possession, or transfer of machine guns. In some of these States the sole restriction is the requirement that a license be secured either for possession or transfer. In States having this type of legislation, the effectiveness of the regulation depends upon the administrative discretion of the licensing officer. Some States prohibit all private persons or corporations, with certain exceptions such as banks or public utilities, from possessing machine guns and require in addition, that the excepted types obtain licenses for possession or purchase. In other States legislation has taken the shape of an attempt to keep machine guns specifically out of the hands of criminals by means of statutes which make it a crime to have or use a machine gun for certain defined purposes. Such acts implement the enforcement of their prohibitory provisions with presumptions of guilt based upon the unexplained possession of such weapons. These presumptions are closely modeled after the provisions of the Federal Narcotics Act.

Ten States permit the possession of machine guns by any private individual or corporation securing a license in accordance with statutory requirements. One other State has a law which requires a license to be obtained for the purchase of a machine gun, but does not go so far as to require licenses for the possession of guns already purchased. Police officers, peace officers, and persons in military service in the discharge of their duties are exempted from the operation of these statutes. The striking feature of most of these statutes is their failure to set up specific standards to guide the administrative agency or

official authorized to issue a license.

In North Carolina <sup>51</sup> a license to possess a machine gun may be issued by the clerk of the superior court of a county, to "business establishments, merchants, and banks for the purpose of defending said business." A license to possess a machine gun may be obtained in

<sup>\*\*</sup>The State of Fiorida prohibits the discharge of a machine gun upon or across any road, street, or highway, or any public park or public place where people are accustomed to assemble in the State of Florida with intent to injure person or property, by any person other than police officers, peace officers or any United States or any State militia in the discharge of their duties. Florida Laws (1933) General Laws (1927) Supp. § 7748 (1).

8 North Carolina: Lawa (1933), ch. 261, Michie's Code (1935), § 5112 (a).

West Virginia 4 from the superintendent of the department of public safety "in cases of riot, public danger, and emergency." A person may possess a machine gun in this State without a license, however, if it is upon his own premises. In New Jersey \*\* a license to possess a machine gun may be issued in the discretion of a judge of the court of common pleas in the county in which the applicant is a resident, upon the approval of the chief of police of a city or the sheriff of a county. North Dakota 54 similarly gives the judge of the county district court discretion to issue a license upon the approval of the sheriff of a county or the chief of police of a city. In Massachusetts 4 various specified county officials may grant a license to possess a machine gun to any person, other than an alien, or a person convicted of felony, "for any proper purpose."

Licenses may be issued in Ohio 66 in the discretion of the adjutant general, and in California 57 for "good cause" by the Division of Criminal Identification and Investigation. A machine gun may be possessed by persons or corporations in Louisiana 58 where the approval of the superintendent of the Bureau of Criminal Identification and Investigation is obtained. In New York 40 a license may be issued to possess a machine gun, by the police commissioner of New York City, and by a judge of a court of record outside that city, to fa qualified person principally engaged, or a merchant or storekeeper having his place of business in such city or county." Any person duly authorized by the sheriff of a county or chief of police of a city may

possess a machine gun in Wisconsin.60

In Georgia, any person who obtains a permit from the mayor of a

town, or sheriff of a county may purchase a machine gun. 61

Eleven States have recognized the grave danger of permitting private persons and corporations to possess machine guns. These States have enacted laws completely prohibiting the possession of machine guns by any person or corporation.<sup>62</sup> Police officers or peace officers or persons in military service in the discharge of their duties are exempted from the prohibition contained in all these statutes.

Four States prohibit the possession of machine guns by any person or corporation with the exception of banks or trust companies or guards of money, treasure or other things of value, or public carriers engaged in the transportation of money, securities or other valuables. These States are Illinois, Iowa, Kansas, and Rhode Island.63 Such exemptions are allowed in Kansas and Illinois only if a permit is

<sup>\*\*</sup>West Virginia: Laws (1925) Code Ann. (1937) § 6050.

\*\*New Jersey: Laws (1927) ch. 95, Rev. Stats. (1937), vol. 1, §§ 2:176-49 through 2:176-54.

\*\*Mossachusetts: Ann. Laws, vol. 4, ch. 140, §§ 1-4.

\*\*Massachusetts: Ann. Laws, vol. 4, ch. 140, §§ 121, 131; vol. 9, ch. 269, § 10-11 D.

\*\*Ohio: Laws (1933), Throckmorton's Code Ann. (1936), §§ 12219 (3-7).

\*\*California: Laws (1927, amended 1933), Deering's Gen. Laws (1937), act. 1971.

\*\*Louisiana: Laws (1935) fourth extra session, No. 17, p. 34.

\*\*New York: Laws (1931), McKinney's Consolidated Laws, 39 Penal Code, §§ 1896, 1897 (1, 1a), 1898 (a), 

\*\*Wisconsin: Laws (1933) ch. 359, Stats. (1937) § 164.20.

\*\*Georgia: Laws (1933), Code Ann. § 26-(5109-5112).

\*\*Arkansas: Laws (1931) act 225. - Delaware: Laws (1931), Rev. Code (1935), § 5289. Indiana: Laws (1927), ch. 156, Burns Stats., Ann. (1933) vol. 4, § 10-4712 through 10-4714. Michigan; Laws (1931), Stats. Ann. (1938); vol. 24, § 28.421, 28.422. Minnesota; Laws (1933), ch. 190, Masson's Stats., 1936 Supp., §§ 10255 (1-3). Missouri: Laws (1929), p. 170, Rev. Stats. (1929), vol. 1, §§ 4427. Oregon: Laws (1933), Code Ann., 1935 Supp., §§ 72 (201, 202, 205, 207). Pennsylvania: Laws (1929), Purdon's Stats. (1936), §§ 1581-1584. South Carolina: Laws (1934), No. 731. Texas: Laws (1933), Vernon's Stats. (1936), Penal Code, Art. 489b, §§ 1-5. Washington: Laws (1933), p. 335, Remington's Rev. Stats. Supp. vol. 4, title 14, ch. 7, § 2518 (1-4).

\*\*Illinois: Laws (1931), p. 452, Smith-Hurd Rev. Stats. (1933), ch. 62, Corrick's Gen. Stats. Ann. (1935), §§ 21-2601 through 21-2608. Rhode Island: Laws (1927), Public Laws (1927), ch. 1052, §§ 1-9.

obtained from the sheriff of a county. In Rhode Island banks and public carriers may be exempted from the operation of the statute under regulations to be prescribed by the Attorney General. No license or permit is required in Iowa. In the four States in this category law-enforcement officials are exempt from the application of the statutes.

In 1932 the National Conference of Commissioners on Uniform State Laws drafted a uniform machine gun act, which was subsequently approved by the American Bar Association. This act does not prohibit the possession of machine guns but makes it a crime to possess or use a machine gun for offensive or aggressive purposes. States which have adopted this law, with minor changes, are Arkansas,64 Connecticut, 65 Maryland, 66 Montana, 67 South Dakota, 68 Virginia, 69 and Wisconsin.70

In order to make the act effective in the prosecution of criminals the statute declares that certain types of machine guns, and the possession of machine guns in certain specified circumstances, raises a presumption of possession for offensive or aggressive purposes. The presumption is raised if the gun is found on premises not owned or rented for legitimate use by the possessor, or user of the gun, or if the gun is in the possession of, or used by, either an unnaturalized foreigner, or a person previously convicted of a crime of violence. Possession for offensive or aggressive purpose is also presumed if the machine gun is adapted to use pistol cartridges of .30 or larger caliber, or if shells of the type which may be used in the machine gun are found in the immediate vicinity. The act defines a machine gun to exclude automatic or semiautomatic sporting rifles or shotguns.

The act requires manufacturers to keep a register of all machine guns handled, but only for the purpose of inspection by police officers. All machine guns of the prohibited type must be registered in the office of the secretary of state or other State official. These records are not open to inspection by the public. Any failure to register raises the presumption of possession for offensive or aggressive purpose.

The State of Nebraska 11 has enacted a statute which in general terms prohibits the possession of a machine gun by any person "for

unlawful purposes."

Certain States have found it advisable to make specific reference to the gift or donation of machine guns in these restrictive statutes. These States are Arkansas, 72 Nebraska, 73 North Carolina, 74 Pennsylvania, 75 and Texas. 76 The statutes in these States make it unlawful for any person or corporation to give or otherwise dispose of machine guns to any person or corporation. In Louisiana 77 it is unlawful to transfer any machine gun without the approval of the superintendent

<sup>44</sup> Arkansas: Laws (1935), Act. 80, Pope's Digest (1937), §§ 3514-3525.
45 Connecticut: Laws (1935), ch. 327, Gen. Stats. Supp., §§ 1096c.
46 Maryland: Laws (1934), ch. 550, Code Supp. (1935), art. 27, §§ 350A-350M.
47 Montana: Laws (1935), ch. 43, Rev. Code (1935), §§ 11317.1-11317.11.
48 South Dakota: Laws (1933), ch. 206.
49 Virginia: Laws (1934), ch. 96, Code (1936), §§ 4535a.
40 Wisconsin: Laws (1933), ch. 76, Stats. 1937, §§ 164.01-164.11.
41 Nebraska: Laws (1929), Compiled Stats. (1929), §§ 28-1010, 1011.
42 Arkansas: Laws (1929), Compiled Stats. (1929), §§ 28-1010, 1011.
43 North Carolina: Laws (1931), ch. 261, Michie's Code (1935), §§ 5112 (a).
44 Pennsylvania: Laws (1929), Purdon's Stats. (1936), §§ 1581-1584.
45 Texas: Laws (1933), Vernon's Stats. (1936), §§ 1581-1584.
46 Texas: Laws (1933), Vernon's Stats. (1936), Fenal Code, Art. 489b, §§ 1-5.
47 Louisiana: Laws (1935), 4th extra session, No. 17, p. 34.

of the Bureau of Criminal Identification and Investigation. These States exempt police officers or peace officers or persons in military service in the discharge of their duties from the operation of the More recently, a Pennsylvania statute, which has been described above, makes it a crime to give or donate any arms or weapons to law-enforcement officials. This recent act would seem to apply to gifts of machine guns as well as to gifts of other arms.

Viewing this State legislation as a whole, it is apparent that the same objections which are raised to the laws vesting the licensing of tear gas purchases in the discretion of an administrative official, are applicable, as well, to machine gun legislation. Unless enforced by vigilant officials, such laws tend to become a dead letter. The Ohio law requiring licensing of machine guns with the adjutant general of the National Guard did not prevent the Youngstown Sheet & Tube Co. from keeping its eight Army-type machine guns for a period of almost 20 years, nor from renewing its licenses for their possession during the hotly disputed "Little Steel" strike of 1937, when the private use of such arms would have been calamitous. The committee feels that whenever the possession or use of such arms affects or tends to create industrial disputes in or affecting the flow of interstate commerce, Federal legislation, in aid of State policy already restricting the use and possession of such arms, will be not only proper but acceptable.

## SECTION 3. ATTITUDE OF MUNITIONS VENDORS TOWARD REGULATION

From time to time in this report, we have described certain activities of Federal Laboratories, Inc., which bear on the problem of regulation of the traffic in munitions. The actions of Federal Laboratories, Inc., in this regard are especially important, because it sells approximately two-thirds of the chemical munitions used throughout the country and is the sole distributor of the Thompson submachine gun, the only submachine gun being currently distributed for police

These activities and others to be discussed here, include lobbying against proposed legislation, encouraging evasion, and violation of existing legislation, and attempting to bribe administrative officials.

According to the correspondence and testimony of John W. Young, Federal Laboratories president, his firm and one of its directors were active in lobbying against a proposed State gas regulatory measure in Pennsylvania. This bill, Mr. Young testified, "did not pass." 80

During the period prior to the passage of the National Firearms Act in June 1934, distribution of the Thompson submachine gun was unrestricted by Federal regulation. Auto-Ordnance Corporation, however, placed certain limitations on its sale by Federal Laborato-

<sup>78</sup> Pt. 27, pp. 11174-11177, testimony of James M. Woltz, chief of police of the Youngstown Sheet & Tube Co., and J. C. Argetsinger, general counsel of the Youngstown Sheet & Tube Co.

79 Federal Laboratories for several years has sold the Thompson gun for Auto-Ordnance Corporation, of New York City. This corporation was formed at the close of the World War, for the purpose of buying 15,000 Thompson submachine guns from the U. S. Government and marketing them.

80 U. S. Senate, Special Committee Investigating the Munitions Industry, pt. 7, p. 1694, testimony of John W. Young and exchange of telegrams between Mr. Young and Federal Laboratories' director, Roy G. Bostwick, regarding pressure on State senators at Harrisburg, Pa.

ries. Because of the popular resentment aroused in the past by the use of this gun in "breaking up strikes," Auto-Ordnance Corporation refused to allow it to be sold to industrial concerns where there was any possibility of its utilization in strikes.<sup>81</sup> The manner in which Federal Laboratories, Inc., evaded this restriction, in at least one case, has been fully described above. 82 There the vice president of Federal Laboratories, Inc., in negotiating a sale to the Rex Coal Co., of Chicago, in 1933, during a strike, suggested that the only "out" was to have the gun purchased by the sheriff of the local county and then

to have the sheriff "loan" it to the company.83

When Mr. Young testified before the Senate Munitions Committee in September 1934, he said, referring to the Thompson submachine gun, "the gun will not be sold to any industry in labor trouble." 44 He also said that the president of Auto-Ordnance has "steadfastly prohibited its use under such conditions." 85 Thus Mr. Young, when questioned in public about his business practices, relied upon the policy of the Auto-Ordnance Corporation, which his company had violated in the Rex Coal Co. case. Less than 2 weeks before Mr. Young made this statement before the Munitions Committee, his company, through its sales agent, the Railway Audit & Inspection Co., notorious labor-espionage and strikebreaking agency, had sold four Thompson submachine guns to the West Point Manufacturing Co., of West Point, Ga., in the midst of the general textile strike of September 1934. On the advice of the joint representative of Federal Laboratories and the Railway Audit & Inspection Co., these guns were purchased through the chief of police of West Point, Ga., in order that the company could "get quick shipment and quick delivery." 86 The four guns were subsequently confiscated by the Bureau of Internal Revenue for having been transferred in violation of the National Firearms Act. It would appear that Federal Laboratories, Inc., and its agents were no more concerned about the regulations placed on the sale of machine guns by the United States Government, than they were about the restrictions imposed by Auto-Ordnance Corporation.

We have previously discussed the tenative sales-agency arrangements negotiated between Federal Laboratories and C. S. Morrill, chief of the California State Division of Criminal Identification and Investigation. That such a proposition was broached to the State official having the final determination in the issuance of permits for the purchase of gas equipment and machine guns throughout the entire State, which provides one of the largest markets for these

munitions, needs no further comment.

Michigan is one of the States which has a law regulating the purchase and possession of gas equipment.<sup>87</sup> In June 1937 the authorities

th Pt. 15-D, exhibits 3585, 3586, pp. 7006-7007, letters of B. H. Barker to J. R. Fenton, of the Rex Coal Co., Chicago, Ill., dated October 11, 13, 1933.
The case of the Rex Coal Co., of Chicago, Ill. See pp. 101-102.

I bid.
 United States Senate, Special Committee Investigating the Munitions Industry, pt. 7, p. 1777.

Williams, agent of the West Point Manufacturing Co., to the Collector of internal Revenue, dated February 21, 1935. For a description of the use of these guns, see report on Strikebreaking Services, S. Rept. No. 8, 76th Cong., 1st sess. pp. 41-46.

Williams, agent of the West Point Manufacturing Co., to the Collector of internal Revenue, dated February 21, 1935. For a description of the use of these guns, see p. 170, p. 172, and p. 173.

of Wayne County, in Detroit, seized a carload of Federal Laboratories gas equipment, including one long-range gas riot gun, 45 long-range gas projectiles, 24 short-range gas shells, and 36 Triple Chaser grenades, which were being transferred to the plant of the Great Lakes Steel Corporation, in the village of Ecorse, a Detroit suburb. In connection with this seizure of gas equipment, several persons, including George W. Greig, Federal Laboratories salesman, and Stanley Ferguson, a member of the police force of Great Lakes Steel Corporation, were arrested under the State tear gas law. On November 22, 1938, the charges against Greig were dismissed and Ferguson pleaded guilty in the circuit court for the county of Wayne, to the charge of "unlawful possession of tear gas," and was placed on probation for a period of 2 years. The need for stringent regulation and diligent administration of such legislation is made apparent by the studied attempts to balk regulation on the part of this munitions distributor which has agents in nearly every State of the country.

<sup>\*\*</sup> Subsidiary of National Steel Corporation.

\*\* A letter from Samuel Bregner, assistant prosecuting attorney, county of Wayne, Detroit, Mich., to the secretary of this committee, dated January 3, 1939.

# CHAPTER IX. FINDINGS OF FACT, CONCLUSIONS, AND LEGISLATIVE RECOMMENDATIONS

In undertaking investigation of the purchase and utilization of arms and munitions for industrial purposes the committee entered the field with an appreciation of the fact that other congressional committees, as well as special commissions and administrative bodies, have in the past given some attention to the subject. This committee's interest in this phase of labor disputes was, however, somewhat different from that of its predecessors, both in respect to emphasis and approach. Whereas previous investigations touched upon the use of arms and munitions incidentally and only in connection with their utilization in specific labor disturbances, this committee has sought to present a comprehensive picture of the traffic as a whole—to measure arms purchases and stores quantitatively, to inquire into the reasons for their purchase, and to examine characteristic examples of their use.

As a result of the completeness of its record, the committee finds the practice of the purchase and use of munitions by companies and corporations engaged in interstate commerce to be of such proportions and of so widespread a character as to enable it to arrive at certain general conclusions with respect to their purpose, distribution, and use. On the basis of these findings it is prepared to make legislative recommendations of such character as to effectively remove what, in its opinion, is one of the more serious deterrents to the orderly adjustment of industrial disputes and to the successful operation of

# existing Federal labor legislation.

# SECTION 1. FINDINGS WITH RESPECT TO THE NATURE AND EXTENT OF INDUSTRIAL MUNITIONING

1. Through an examination of the inventories and purchases of arms owned by selected corporations, the committee discovered that the commoner types of firearms were stored by them in surprisingly large quantities. As far as these corporations were concerned, the investigation disclosed the existence of what might be termed "strike-preparedness" arsenals on a vast scale. The committee required armr inventories of only a few companies, whose labor policies were undes scrutiny, and it would be unfair to assume that the stores of arms held by these companies were abnormally large, at least in comparison with those of other companies having similar labor policies. The arsenals examined included not only the commoner types of firearms but machine guns and submachine guns.

2. The committee sought to determine the extent of such industrial munitioning. While an investigation of records of dealers' sales of firearms such as rifles, pistols, and shotguns on a scale sufficient to yield significant results was beyond the resources of the committee,

it was possible to make more comprehensive inquiry into the purchases of machine and submachine guns by industrial corporations. Investigating the registration of such weapons, as required of private persons or corporations under the National Firearms Act of 1934, the committee found over 300 industrial purchasers during the period from shortly after the World War to the present. It is the conviction of the committee, based on a number of instances in its record, that registrations under the Federal statute are incomplete and that in all probability a far larger number of such arms have found their way into the hands of industrial employers in the last 15 years than is indicated.

3. The chief concern of the committee in its investigation of industrial munitioning has been the purchase and use of the so-called chemical munitions, i. e., toxic gases in the several forms for industrial use, and the equipment used in their discharge. The committee found such gases and equipment to be sold principally for use in labor

disputes.

4. Gas munitions are sold exclusively to employers or law-enforcement agencies. There are no recorded sales to labor unions. Neither are there any recorded sales of machine or submachine guns to labor unions, or to persons identified as affiliated with labor unions.

5. Approximately one-half of the sales of gas weapons in the country, according to the committee's record, goes to industrial

employers, while the other half goes to public authorities.

6. The sales activities of the agents of the three principal gas munitions vendors show them to have hawked their wares in almost every industrial community of the United States, More important, the committee's record shows their efforts to have been successful in almost every State of the Union. Further, the sales apparatus of the gas companies goes beyond agents directly in their employ. Their products are vended, most significantly, through sales arrangements with agencies and individuals supplying employers several other antiunion services, principally undercover operatives and strikeguards.

7. Characteristic of the munitions trade, the committee found, is the effort of sales agents of the companies to establish business relations between themselves and officials of local government. In some instances examined, there was strong evidence of collusion between salesmen and the public officials, either for the purpose of increasing public purchases of munitions or relaxing the enforcement of applicable State laws. In other cases police officers became salesmen for the gas companies. The tendency of such a relationship to result in overzealousness on the part of local police in the use of gas during strikes,

is obvious.

# SECTION 2. FINDINGS WITH RESPECT TO THE PURPOSES OF ARMS AND MUNITIONS

Witnesses representing munitions vendors and munitions purchasers offer a variety of justification for the use of arms and munitions in industrial disputes. Most palpably inadequate is the excuse of a gas-munitions manufacturer to the effect that the products of his firm were a most "humane" way of handling striking workers. The humaneness of a weapon does not, of course, provide an explanation of

the necessity for its use.

Most industrialists represented argued that the purchase of munitions, or the maintenance of large stores of arms, are required in order to protect their plants. Regarding this contention the committee

makes the following findings:

1. Certain large corporations with extensive physical properties, the committee recognizes, require arms for their guards and watchmen, in order to provide protection against thieves and marauders. In some cases which the committee has examined it has, however, become apparent that the carrying of arms by company guards is not always predicated upon the necessity of protection from theft and depredations. For example, when the Republic Steel Corporation through merger, in 1930, took over the properties of a number of theretofore independent steel companies about 1930, it replaced unarmed plant watchmen with armed and uniformed policemen. Presumably the need for protection of property and valuables was no greater after the amalgamation of these properties with the Republic Iron & Steel Co. than before. As has been pointed out in this committee's report on private-police systems, the organization and arming of the police department of the Republic Steel Corporation had little, if anything, to do with the requirements of property protection.1 Depending on circumstances and local situations, however, certain companies do have legitimate need for arms in the hands of their watchmen. Such necessity does not, however, explain the keeping and storing of arms far in excess of requirements for adequate protection.

2. The majority of weapons, either held in plant arsenals for use during strikes or purchased from the gas-munitions companies, are offensive in character and intent. The analysis of munitions inventories and purchases show that they contain a preponderance of what are acknowledged to be weapons designed for aggressive rather than protective purposes. The rifle, the machine gun, the so-called long-range gas gun and gas grenades, and the gas machine gun, all of them among the most widely purchased types of munitions for industrial use, cannot be viewed other than as weapons of attack.

3. The munitions purchases of large corporations and the arsenals of munitions maintained by certain corporations were quantitatively greater than required by the normal protective needs of industrial property. The committee can see no justification for the maintenance of arsenals containing Army-type machine guns, submachine guns, large numbers of army rifles and rifles of lesser caliber, shotguns of the regular, repeating, and sawed-off types, and pistols and revolvers of all makes and calibers as well as prodigious quantities of gas and gas equipment entirely unsuited for use except in carrying out offensive action of a military character against large crowds of people. Neither can the committee understand why industrial corporations should purchase tear gas and tear-gas weapons in quantities many times greater than those required by the police departments of some of our largest cities.

<sup>18</sup> Rept. No. 6, pt. 2, 76th Cong., 1st sess., pp. 119-122 and passim.

4. The purchases of munitions coincide with periods during which labor disputes are current or impending. Exceptions to this rule are infrequent. The purchase dates of munitions, therefore, definitely prove that munitions are not purchased for the normal use of the plant police in the performance of their customary duties.

5. The use which the industrial purchaser of large quantities of munitions intends to make of them during strikes has been the subject of careful analysis above. Employers and their representatives have advanced the contention that plant arsenals and gas equipment are required to prevent crowds of pickets and strikers from invading the plant property and damaging or destroying it. The committee finds no instance in its record of such an invasion of plant property. Rather, the focal point of conflict during strikes is the picket line, which is designed not to invade the plant but to dissuade others from entering it. The Congress has consistently, in recent years, thrown statutory protections around the right of employees to strike and to engage in such concerted activities as peaceful picketing in the course of strikes.

These considerations taken together conclusively dispose of the argument advanced by employers and munitions vendors that the primary purpose in purchasing and possessing quantities of industrial munitions is defensive. On the contrary, the character of the weapons purchased, the quantities kept on hand, the dates of purchase, and the elements of their typical use in strike situations all indicate that such weapons are designed to be and are so used by agents of the employer against strikers, pickets, or other such groups of people.

# SECTION 8. FINDINGS WITH RESPECT TO THE USE OF WEAPONS IN STRIKES BY PRIVATE PERSONS

The power and duty to maintain order and to control assemblages of people, it seems needless to say, properly resides only in public authority. The idea that any corporation or individual can with force seek to determine the outcome of a labor controversy is repugnant; the possession of industrial munitions such as tear and sickening gas and machine guns, endowing the possessor with a degree of power sufficient to prevent the exercise of the right of free assembly, is in

opposition to established public policy.

1. The intention of employers in purchasing and maintaining stores of industrial munitions, as already pointed out, is clearly to use them to exercise control over or to coerce or rout large groups of persons, usually their striking employees. Such use of the instruments of force, even if necessary to maintain public order, is not the prerogative of private corporations, but solely the function of public authorities. Obviously, agents of corporations cannot act in the impartial manner demanded of the public police, especially during industrial disputes. The committee's knowledge of their conduct in such situations indicates that they have used their assumed power in a manner that is partial, aggressive, and brutal.

2. The function of professional strikeguards as instruments of antiunion policy has been discussed above, and in a previous report. As the committee found in its report on private police systems, some employers have transformed their plant-protection personnel into instruments of a policy of hostility and opposition to unions. Under such employers, corporation police departments become schooled in the practices of antiunionism and imbued with the purpose of defeating attempts of employees to act collectively. In the hands of such persons, the possession and use of arms is tinged from the outset with an aggressive purpose which has nothing to do with plant protection.

3. Such use of arms by agents of the employer encourages retaliation. The committee condemns such resort to arms by employees, observing, however, that there is a vast difference, both in intent and effect, between organized and individual violence. Examples of armed resistance by strikers are rare in recent industrial history. In the two cases which the committee had opportunity to consider concerted resort to arms by strikers, the possession and use of arms by employers and their agents was an important factor in causing conditions of civil conflict.

# SECTION 4. FINDINGS WITH RESPECT TO INDUSTRIAL MUNITIONS AND PUBLIC POLICE AUTHORITY

The public police, in the performance of their duty during strikes, are from time to time called upon to use weapons, either firearms or gas. In the use of such weapons public authority has occasionally been guilty of grievous abuses. The committee made a close examination of the conduct of public police in its report on the so-called Memorial Day incident in the city of Chicago during the "Little Steel" strike of 1937. In furtherance of its inquiry into the same strike in other areas the committee found additional instances of the untoward use of force by public authority. These will be fully explored in a forth-coming report on the strike as a whole.

Examples of faulty and improper use of the authority bestowed upon public police bodies have formed little or no part of this report. However, one aspect of the conduct of the police in industrial disputes

has occupied the committee in the preparation of this report.

In its study of the traffic in munitions the committee has discovered what appears to be a widespread practice among industrialists. During or in anticipation of strikes public officials have been supplied with firearms and gas weapons or with funds to purchase such weapons by corporations involved in such strikes. The committee finds with regard to this practice, as follows:

1. Reduced to its simplest terms, police officials are armed by one side of an industrial dispute for the purpose of having them use the

arms against the other.

2. Such private subsidization of public authority, occurring during a strike period, is at best of doubtful propriety. In one instance examined by the committee, the acceptance of such arms was an external indication of a biased and partisan attitude on the part of the public authorities, and an essential element in a scheme to break a strike in the donor's plant.

3. Such donations are usually accompanied by the employers' desire, often expressed in most emphatic and demanding tones, that

they be used in furtherance of his interests.

#### SECTION 5. GENERAL CONCLUSIONS

Our conclusions with respect to industrial munitioning as an instrument of labor policy have for the most part been stated in the body of the report and, in more summary fashion, in the section immediately preceding. At this point we limit ourselves to a few general observations:

1. The possession and use of industrial munitions by employers is the logical end of a labor-relations policy based on nonrecognition of unions—in opposition to the spirit of national labor laws. The principal purpose of such weapons is aggression. Their use results only in violence, embitters industrial relations, and hampers peaceful settlement of industrial disputes.

2. The maintenance of arsenals of industrial munitions creates bitterness on the part of employees and disrupts normal, peaceful

labor relations. Their use invites retaliatory violence.

3. Beyond their effects on striking employees, industrial munitions jeopardize public peace. Their use threatens the physical safety of citizens not involved in the industrial disputes in which they are employed. Further, and more important, their irresponsible use constitutes usurpation of public police functions.

### SECTION 6. LEGISLATIVE RECOMMENDATIONS.

1. While State legislation affecting tear gas and machine guns may, in given industrial disputes, have some limited application, State laws do not, on the whole, provide adequate restrictions on the purchase and possession and use of industrial munitions. Munitions companies have made consistent efforts to enfeeble and evade systems

of State regulation.

2. The committee believes that the Congress should approach the practice of industrial munitioning as the function and manifestation of a labor policy based upon a fundamental opposition to the principles of union recognition and collective bargaining. In any legislation to be adopted the employer's right to protect his property from destruction or injury should be maintained. The problem of the purchase and use of munitions with relation to industrial disputes is closely interwoven, as this report indicates, with the problem of strike-breaking services and private police systems which have been discussed in previous reports. Any legislation should, therefore, deal not with munitions separately, but with munitions as a part of the evils of the system of professional strikeguards and private police, since all three spring fundamentally from a hostility to the principles of collective bargaining.

3. The Congress, through the National Firearms Act, has undertaken to direct the force of the Federal Government against the traffic in and possession of weapons recognized to be peculiarly dangerous to the public safety. The purpose of that act is to keep machine guns and sawed-off shotguns out of the hands of lawbreakers. The committee feels that the principle embraced by Congress in the National Firearms Act, namely that weapons of unusually effective character are the fit subject of congressional regulation in the interest of public peace, could properly be extended into the field of industrial munitions.

4. In accordance with this principle the committee feels that all private persons who are likely to be involved in industrial disputes, should be prohibited from possessing weapons, such as machine and submachine guns and offensive chemical weapons, which are of such potency that their possession and use should be confined to responsible public authority. These weapons endow the possessor with an overwhelming power of coercion, which, in tense situations, constitutes an incitement to their use. They are not weapons which, in a democracy,

can be entrusted to private interests.

5. As to the commoner types of firearms, such as pistols and rifles. their nature affords no conclusive evidence of the purpose for which they are to be used. Such firearms have been and are owned both by employers and private individuals for legitimate and accepted purposes. While their purchase in large quantities often indicates that they are to be used in industrial disputes, it is impossible to set arbitrary limits on the amounts which may be purchased. Only a most complicated system of administrative regulation could restrict the stores of such arms to the amounts required by given employers The committee to equip needed watchmen or protect property. does not believe that the Government can by legislation successfully restrict the possession of such arms to the requirements of the protec-

tion of property or valuables.

6. The committee's investigation convinces it that one of the principal causes of violence in strikes, and one of the most flagrant vices of the practice of industrial munitions is the use of firearms, gas weapons, or machine guns by agents of the employer off the plant property. Particular attention has been called to results of the activities of company police or professional strikeguards off the plant property in the previous reports of this committee. The intent of employers in sending such agents into public streets or places is usually to exert control over groups of people, and is therefore an intent to infringe upon the sphere of duly constituted public authority. Often the actual purpose of such excursions of employer's agents, particularly when they are armed, is to coerce, intimidate, or injure strikers or their sympathizers. The committee reiterates its conviction that such agents of the employer, whether deputized or not, should be confined to the premises within which he is actually conducting his business. In the committee's opinion many of the evils arising from the purchase and possession of arms by employers would be eliminated if the company guards or professional strikeguards who carry them were restricted to their proper and legitimate functions.

Pursuant to these recommendations the committee is drafting

legislation which will shortly be submitted to the Congress.

Robert W da Hollettepe,

# APPENDIX

APPENDIX A. PURCHASERS OF OVER \$1,000 WORTH OF TEAR AND SICKENING GAS AND GAS EQUIPMENT, EXCLUSIVE OF LAW ENFORCEMENT AGENCIES, JANUARY 1933 THROUGH JUNE 1937

(80 purchase	rs)
Purchases by years:  1938  1934  1935  1936  1937	\$57, 904. 52 158, 442. 20 101, 036. 96 43, 031, 78
Total	490, 598, 93

Note.—The data from which these figures are drawn is contained in the lists of gas munitions and other invoices and documents secured under subpena from the munitions vendors or purchasers and listed in the committee's record at the following places: Part 2, exhibit 191, pages 566-587; part 15-D, exhibit 3571, page 6949; part 15-D, exhibit 3572, pages 6950-6992; part 15-D, exhibit 3774, pages 7231-7232; part 15-D, exhibit 3785, page 7241; part 15-D, exhibit 3786, page 7242; part 23, exhibit 4318-32, page 9943; part 27, exhibits 4619-4622, pages 11421-11423; part 28, exhibit 4672, page 11611; part 28, exhibits 4691-A-4691-D, pp. 11738-11739; part 28, exhibit 4701, page 11763; part 33, exhibit 5193; and a supplementary volume, exhibits 7084-7085. Figures in parentheses are totals for indicated subsidiaries. Figures in brackets are totals for the corporation exclusive of subsidiaries. Dates given are usually invoice dates, which are frequently several days after delivery. The data in the seventh column, headed "Cause of strike or strike threat," was obtained from the Bureau of Labor Statistics of the United States Department of Labor, the committee's record, and from newspaper sources. Unless otherwise indicated by a footnote all material in these two columns was obtained from the Bureau of Labor Statistics. The terms "general strike" and "general strike threat" refer to a strike or strike threat affecting the entire industry in which the purchaser were struck. Wherever there is definite information that the plants of a purchaser were closed by such "general strikes," it is indicated on the table.

# Purchasers of Over \$1,000 Worth of Tear and Sickening Gas and Equipment, Exclusive of Law-Enforcement Agencies, January 1933 through June 1937

## 80 Purchasers

Purchaser	Location	Vendor	Date ·	Amount	Totai	Developments in labor situation	Cause of strike or strike threat
labama Mills, Inc	Birmingham, Ala.			\$64.00 376.00	\$2,772.20	Strike, September 1934 '	Recognition, wages, and
Do	do	Fl	Aug. 7, 1934 Sept. 13, 1934	1, 124, 40			hours.10
Do	do		do	1, 207, 80			
E. Allcroft	Pittsburgh, Pa		Mar. 6, 1935		1, 270. 50		
llegheny Steel Co	Brackenridge, Pa.				1, 857. 60	General steel strike threat, October 1933.13	Recognition.13
Do	do		July 24, 1936			Union organizing campaign, beginning July	
Do	Natrona, Pa	FL	Oct. 9, 1933			1936.14	Do.20
West Leechburg Steel Co.1.	Pittsburgh, Pa	FL	June 13, 1934	449.40	1, 017. 03	General steel strike threat, June 1934.26 Strike, May 28-June 1, 1934	Do. 14 Do.
merican Distilling Co.3	Pekin, Illdo		May 29, 1934	763, 10	1,017.03	Strike, Aug. 7-9, 1934	Discrimination.
Do	do	FT.	June 2, 1934		'	Sulat, Aug. 1-6, 1804	Discinimation.
Do	do		Jan. 21, 1936		İ		
merican Glanztoff Corpora-	Elizabethton.			1	1,015.00		
tion a	Tenn.					·	
Do	do		Dec. 10, 1933		İ		
Do	do		Jan. 27, 1934	80.00	0.017.10	Conservation of the short Contains 1999 11	Recognition.13
merican Rolling Mill Co	Ashland, Ky		Aug. 19, 1933	912, 18	2, 817. 16	General steel strike threat, October 1933.11	Recognition.
Do	Middleton, Obio		do	921. 98	l		
Do.1	Butler, Pa		Oct. 6, 1933	704.00			
Do			Aug. 16, 1933	108.00	ļ.		
Do		FL	Aug. 15, 1933	171.00			
merican Stores Co	Wilkes-Barre, Pa				1,663.80	•	
Do	do	FL	Jan. 17, 1934	1, 236, 30			
Do	do	FL	Feb. 3, 1934	427.50	4 470 40	04-7 35 0 0 10 1074	Recognition, wages, an
naconda Copper Mining Co.	Butto, Mont	LE	May 28, 1934	3, 588, 56	4, 470. 48	Strike, May 8-Sept. 19, 1934	hours.
Do	do	LE	June 26, 1934				nours.
Do	do	LE	Jan. 30. 1936		1		!
tlantic Refining Co	Philadelphia, Pa	22			1,024.05	1	
Do	do	FL	Mar. 15, 1933	60.00			
Do	do	FL	July 13, 1934		l		
Dο	do	FL	Mar. 23, 1935	485.40	1		
Do	do	FL	Mar. 29, 1935	81.00			
Dα	l do	FL	June 22, 1935	85. 50			
Do	do	FL	June 20, 1936 Aug. 6, 1936	75.90 108.75			
Doemis Bros. Bag Co	Tollodom Ale	[ C ]	Vak. o. 1890	100.75	1, 005, 10	General textile strike, Sept. 3-22, 1934.54	Recognition **
Do	do da	FT.	Sept. 24, 1934	163, 15	1,000.10	General Catho Suino, Cept. C an, 1907.	
Do	30	FL	Sept 5, 1934	7 841.95			

Bendix Products Corporations.	! South Bend, Ind				4,866.47	Strike, July 2, 1936		Other.
Do	do	M *	May 20, 1936	3-3-3-00		Strike Sept. 24, 1936		
Do	do	M	June 8, 1936	849.00		Strike, Nov. 17-26, 1936		Recognition.
Do	do	M	do	108.06			,	
Do	do	M	May 20, 1936	533.50				
Do	do		June 8, 1936	957.00				
Do	do		June 29, 1936					
Do	do		Dec. 15, 1923					
Do	_do	FL	Feb. 5, 1935	229. 47				
Do	· do	FL	May 28, 1935	36.00				

¹Federal Laboratories, Inc., Pittsburgh, Pa.
¹º Birmingham News, Sept. 1, 1934.
¹º Pittsburgh Press, Oct. 1-5, 1933.
¹º Steel Workers Organizing Committee drive began July 1, 1936.
² Merged with Allegheny Steel Co., August 1936.
² Merged with Allegheny Steel Co., August 1936.
² General strike threat, scheduled for June 16, 1934 (resolution of the Amalgamated Association of Iron, Steel & Tin Workers of North America adopted at the convention on Apr. 17, 1934; see pt. 23, exhibit 4305, p. 9752).
² American Brewing Co., subsidiary of American Commercial Alcohol Corporation.
² The Lake Eric Chemical Co., Cleveland, Ohio.
² Subsidiary of American Bemberg Corporation.

\*See pt. 2, exhibit 231, p. 409.

\*General textile strike, Sept. 3-22, 1934. Records of the Bureau of Labor Statistics, U. S. Department of Labor, indicate that 309,500 workers were out 'on strike in Alabama, Connecticut, Georgia, Illinois, Indiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennslyvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia. All textile companies were under a strike threat if not actually closed at the time.

† Original invoice indicates shipment to sheriff.

\* Subsidiary of Bendix Aviation Corporation.

Manville Manufacturing Corporation, Pontiac, Mich.

Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1933 through

June 1937—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation;	Cause of strike or strike threat
Bethlehem Steel Corporation	New York, N. Y.				\$36, 173, 69		
Bethlehem Steel Co.19	Sparrows Point,	FL	Aug. 29, 1934	\$12,00	450, 210.00	General steel strike threat, October 1933 1	Recognition.15
Do	Pittsburgh, Pa	FL	Dec. 3, 1935	6.00		Union organizing drive, 1936 184 Strike, June 11-July 1937 184	
Do	do	FL	Apr. 9, 1936	142.50		Strike, Jane 11-July 1867	Recognition and signe
Do	Feltsdale, Pa Johnstown, Pa	FL	Aug. 17, 1936 Sept. 30, 1933	211. 25 240. 00			
Do	do	FL	June 14, 1937	5, 300. 33			
Do McClintic-Marshall Co. <sup>16</sup>	Bethlehem, Pa Pittsburgh, Pa	FL	June 17-21, 1937 Oct. 7, 1933	26, 209. 00	(33, 592, 88)		
Do	do	FL	Oct. 9, 1933	327. 00 257. 70			
Do	Carnegie, Pa	FL	Apr. 29, 1933	6.00			
Do Bethlehem Mines Corpo-	Pittsburgh, Pa Buffalo, N. Y	FL	June — 1937 Oct. 14, 1933		(1, 817. 01)	Conord continuents will a	
ration.10			• • • • • • • • • • • • • • • • • • • •			General captive-mine strike, September- October 1933.14.	Recognition.10s
Dc Corsica Iron Co. <sup>10</sup>	Ellsworth, Pa Care of Pickands.	FL			(379.80)		<u>:</u>
Colsica Hon Co.	Mather & Co.,	FL	Mar. 30, 1934	384.00	(384.00)	·	,
Dibb Monat at 12.00	Duluth, Minn.						
Bibb Manusecturing Co	Macon, Ga	WT.	Sept. 13, 1934	240, 00	1. 365. 12	Strike, September 1934 184	Recognition and wages.10
Do	Porterdale, Ga	FL	Sept. 19, 1934				
Do Black & Decker Electric Co	do	FL	Sept. 13, 1934	11 689. 84		_	
Briggs Manufacturing Co	Detroit, Mich	1.	May 10, 1936		1, 619, 16 1, 004, 00	Strike, May 18-June 27, 1936.	Do.
Do	do	FL	Feb. 20, 1933		1,001.00	Strike, Jan. 11-Feb. 3, 1933	Wages.
Do	do	FL	Feb. 28, 1933	120.00			,
Bunting Brass & Bronze Co 1	Toledo, Obio		March 17, 1933	684. 00	1, 145, 62	Electric Auto-Lite strike in Toledo, Apr.	•
Do	do	ודו.	Oct. 17, 1933	113. 02	1,110.02	13-June 4, 1934.	
Do	ďΛ	TOT.	May 25, 1934 May 26, 1934	144. 00 633. 60			
D0	do	FL -	June 8, 1934	144.00			i
Do	do	FL	Feb. 27, 1935	111.00			
Do	ďΩ	FL	Jan. 27, 1933	76, 76	1, 030. 56	Generals teel strike threat, October 1933 14	Recognition 1
	do	ITT.	Opt 0 1022	953.80			
California & Hawaiian Sugar Refining Corporation.	Crockett, Calif	TE	June 21, 1934		2, 040. 05	Longshore and maritime strike on West coast, May 9-July 31, 1934.	Do.

California Packing Corpora-			1		2, 109. 64	1	
tion.	Calif.	T 777	T1 00 1000	707 70		1	İ
DoAlaska Packers Associa-	do	LE	July 20, 1930	585. 76			_
tion 19		11.E2	May 24, 1934	75. 54		Longshoreman's strike on West coast, May	Do.
Do	do	LE	do	75. 54		9-July 31, 1934.	
Do	do		do				
Do	do		do				
Do	do	TE	do	306.65			
Do	do	T.E	do	426. 72			
Do	do	LE					
Do	do	LE	July 27, 1936				
Cannon Mills Co	Kannanolis, N. C.		1 443 21, 2000	100.10	1, 679. 20	Strike, September 1934 116	Recognition and wages.13.
Do	do	FL	Aug. 29, 1934		1,074.20	buthe, beptember 1864	recognition and wages.
Do	do	FL	Sept. 15, 1934				
Do	do	FL	Sept. 19, 1934				
Central Tube Co	Ambridge Pa		• •		3, 386, 80	Strike, Oct. 3-5, 1933	Recognition.
Do	do.	FT.	Oct. 9, 1933	887. 75	0, 300. 60	50tike, Oct. 5-0, 1803	Recognition.
Do	do	FL	do	905.60			
Do	do	FL		357. 60			•
Do	do	FL	do				
Do	do	FL	Oct. 11, 1933			·	
Do	do	FL	Dec. 4, 1935	495.00			
Chrysler Corporation	Detroit, Mich	LE	Dec. 4, 1935		7, 000, 00		
Cleveland Electric Illuminat-	Cleveland, Ohio				1, 605. 30		
ing Co.			·			<u>}</u>	
Do	do	FL	March 4, 1933				
Do	do	FL	April 4, 1934	274.40			
Do	do						
Columbian Enameling &	Terre Haute, Ind				5, 482. 02	Strike, Mar. 25-Sept. 15, 1935	: Do
Stamping Co.			T-1- 11 1000	- 200 00	ĺ. l		
Do	do	LE					*
Do		M	July 8, 1935	2, 987. 50			:
Do	Q0	M	1m3 19, 1939	412.50			•
Do		M	do			•	:
Commerce Mining & Royalty	MIRMI, OKIB				1, 536. 50		;
Co. Do	do	PT.	Mov 22 1025	132.00			·
Do	40	PT.	June 3, 1935	296.70	:		•
10	do	FT.	July 3, 1935		: 1	•	
Do	do	FT.	Sept. 12, 1935	27.00			
					, , ,	,	
14 Carbaldiann of Bathlaham St	and fingeneration				illa Dieminch	om Norma Cont E 1024	

<sup>10</sup> Subsidiary of Bethlehem Steel Corporation.
10a Testimony of David Watkins, Steel Workers Organizing Committee organizer,

pt. 19, p. 8231.

105 Testimony of David Watkins, pt. 19, p. 8236.

105 General strike of workers in captive mines owned by the steel companies before the signing of the N. R. A. steel and coal codes in October 1933. Pittsburgh Press, Oct. 2, 1933.

<sup>18</sup>d Birmingham News, Sept. 5, 1934.
11 Original invoice indicates shipment to town of Porterdale, Ga.
13 Subsidiary of California Packing Corporation.
13d Birmingham News, Sept. 11, 1934.

# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1933 through June 1937—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
Continental Oil Co	Ponca City, Okla- Beverly Hills, Calif.	FL	Aug. 31, 1934		12 \$2, 263. 30 1, 312. 68		
Do Do Deerfield Packing Co	do	FL	Dec. 18, 1935 Jan. 10, 1936	\$551. 04 761. 64	2, 353, 94	Organizing drive, summer 1934 12.	
Do	Bridgeton, N. J.	LE	Aug. 14, 1934 July 10, 1934	430.74 110.00	40	0.844	
Do	do	FL	July 14, 1934 June 20, 1935	339. 00 49. 50 437. 50			
of Deerfield Packing Co. Do	do	FL	June 5, 1935 June 22, 1935 June 6, 1935	821, 20 118, 00 48, 60	1,944.49	• ,	
Co. E. I. Du Pont de Nemours & Co.: Do	Du Pont, Wash	LE	July 17, 1934	457, 88		Longshore and maritime strike on West	Recognition.
Do Do Do	Louviers, Cole Edgemoor, Del Lawrenceville, Ill_	FL	Nov. 14, 1934do Nov. 6, 1934 Apr. 30, 1936	82, 52 54, 94 24, 43 12, 00		coast, May 9-July 31, 1934.	•
Da Do Do	Robinson, Ill. East Chicago, Ill. New Brunswick,	FL	July 30, 1936 Apr. 16, 1936 Nov. 12, 1936 Nov. 6, 1934	12.00 12.00 18.00 24.43			i
Do Do	N.J. Perth Amboy, N.J. Newburgh, N.Y Belle, W. Va	FL	Jan. 19, 1935 Nov. 6, 1934 June 13, 1935	27 00 153, 82 76, 50			
Do	Niagara Falls, N.Y. do El Monte, Calif.	FL FL FL	Sept. 27, 1936 Nov. 27, 1934 Oct. 31, 1936 Jan. 14, 1935	81, 00 81, 62 9, 00 51, 00	(1, 118, 14) (60, 00)		·
leal Co. American Glycerin Co. <sup>14</sup> Do Do	Robinson, Ill	FL	Aug. 14, 1935 Feb. 14, 1934 Dec. 26, 1933	12. 00 10. 00 20, 00			
Do	Hutchinson, Kans		Jan. 10, 1934 Aug. 14, 1934	10. 55 10. 55			

	Cisco, Tex Stanton, Tex Stanton, Tex Tulsa, Okla do do Cleveland, Ohio Niles, Ohio East Chicago, Ill. Terre Haute, Ind	FL FL FL FL FL FL FL	June 29, 1936 Jan. 10, 1934 June 22, 1936 May 3, 1934 June 27, 1934 Aug. 14, 1934 Nov. 16, 1934 — do Nov. 23, 1934 Dec. 24, 1934 Dec. 10, 1934	12.00 10.62 12.00 10.00 10.00 10.8.59 27.39 162.79 108.00	(127. 72)		
Do.,	Philadelphia, Pa.	FL	Nov. 9, 1934	27, 43	(554, 20)		
Du Pont Rayon Co.14	Waynesboro, Va	FL	Nov. 12, 1934	57.00	(57.00)		
Du Pont Film Manufac-	Parlin, N. J	FL	Apr. 9, 1935	27.43	(27. 43)		
turing Corporation.14						7. N	
Electric Auto-Lite Co	Toledo, Ohio	T 70	Tak 10 1000		11, 351. 96	Strike, Apr. 13-June 4, 1934	Wage increase and recog-
Do		LE	Feb. 16, 1933	12.00	i		nition.140
Do Do			May 23, 1934 Apr. 17, 1934	4, 980. 00 456, 00			
Do			May 26, 1934	221. 54			
Do		LE	June 4, 1934	179.00		•	
Do		LE	June 25, 1934	270.00		-	
D0	do	LE	July 5. 1934	29. 25	i	'	
Do		LE	July 17, 1934	54.00	ĺ		
Do		FL	June 6, 1934	718. 20			- 1
Do		FL	May 23, 1934	2, 967, 17			•
Do		FL	May 28, 1934	501.60		•	_
Do	do	FL	June 5, 1934	963. 20			·
Employers associations and	1						
groups:	Wash Wash					T	December
Tacoma Chamber of Com-	Tacoma, Wash				1, 727. 55	Longshore and maritime strike on West	Recognition.
Do	do	TT	July 2, 1934	21, 05		coast, May 9-July 31, 1934.	
Do	do	FL	June and July,	1, 706. 80		- -	
<i>D</i> V			1934.	1,100.00		, · · · · · · · · · · · · · · · · · · ·	,

Original invoice indicates shipment to Kay County, Okia.

Report of a mass meeting protesting the actions of vigilantes in attempts to combat union organization of several unions, including the Agricultural and Canning Workers Industrial Union. Philadelphia Record, Aug. 13, 1934.

<sup>14</sup> Owned by E. I. Du Pont de Nemours & Co.
<sup>14</sup> Bureau of Labor Statistics and pt. 4, pp. 1309-1310, testimony of Charles Rigby.



# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1933 through June 1957—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
Employers associations and groups—Continued.							
Seattle Chamber of Com-	Seattle, Wash				\$5, 873.03		İ
merce.	_ `	1			:		
Do	do	FL	July 18, 1934	11 \$312.00		Longshore and maritime strike on West coast,	Recognition.
Do	do	1 Tr	July 19, 1934	15 750.00	<b>i</b> .	May 9-July 31, 1934.	
Do	do	FL	July 20, 1934	14 848.00		Tanker and shipping strike, Mar. 9-June 11,	Closed shop.
Do	do	I EL	do	<sup>18</sup> 217. 50		1935.	
Do	do	FL	July 10, 1934	90.00	ľ	•	
Do	do	TR	July 26, 1934		1		j
Do	do	LE	do	14 406. 88	'		1
Do	do	LE	ào				
Do	do	LE	do	<sup>16</sup> 471. 16	1		
Do	do	LE	July 28, 1934	16 17 165. 20	l .		
Do	do	LE.	July 30, 1934	16 17 160. 23	•		
Do	do	FE	Aug. 4, 1934	16 17 682.43	ļ		Ī
Do	do	FE	do	16 17 302.46			1
Do	do	LE	Apr. 6, 1935	16 17 962 42		G 1	n
Committee of Manufac- turers of Alamance County.	Burlington, N. C	LE	Sept. 18, 1934		1, 425, 22	General textile strike, September 1934 40	Recognition.
Shipping interests 11	San Francisco,	FL	July 1934		13, 809. 12	Longshore and maritime strike on West coast,	Do.
	Calif.					May 9-July 31, 1934. General strike in San Francisco, July 16-18,	Sympathy.
		1		Ì	i	1934.	
Waterfront Employers Union.	1	1			5, 512. 16	Longshore and maritime strike on West coast, May 9-July 31, 1934.	Recognition.
Do	do	LE	May 25, 1934	235.44	ł	General strike in San Francisco, July 16-18,	Sympathy.
Do	do	LE	May 22, 1934		1	1934.	
Do	do	LE	do				
Do	do	LE.	May 31, 1934		1		
Do	do	LE.	do			į	
Do	do	LE	June 5, 1934		ł		1
Do	do	LE	July 13, 1934				1
Do	do	LE	July 16, 1934		1		İ
Marine Service Bureau	San Pedro, Calif				1, 244, 33	Longshore and maritime strike on West coast.	Recognition.
Do	do	FL	May 19, 1934	28. 33	1	May 9-July 31, 1934.	
Do	d2	FL	Oct. 15, 1934	29.00	1	Tanker and shipping strike Mar. 9-June 17,	Closed shop.
Do	do	. FL	Apr. 5, 1935	1, 187. 00	1	1935.	
Firestone Tire & Rubber Co	Akron, Ohio				4, 191. 33	General Tire & Rubber Co. strike, Akron,	Wages.
Do	do	LE	June 28, 1934		1	Ohio, June 19-July 19, 1934.	1
Do	do	. LE	June 19, 1934		1	Strike, October 1934.	1
Do	do	! LE	Mar. 25, 1935	1, 141, 45	Į.	Organizing drive, February 1935.184	1

	• .					O. M. 13. A. A. A. BARRASA	
Do	do		Mar. 26, 1935			Strike threat, Apr. 1, 1935 183	Recognition.181
Dq		LE	Mar. 28, 1935	<b>83</b> . <b>5</b> 0		Strike threat, February-March 1936 184	Do.18e
Do	do	LE	Apr. 1, 1935	103.00			ł
Do	do	LE		92,70			}
Do	do	LE	Feb. 8, 1936	354.00			
Do	do	LE	Mar. 16, 1936	696.28			
Do	do	FL	Sept. 11, 1934	20.00			
Do	do	M	Mar. 31, 1935	230.40			
General Motors Corporation	Detroit Mich.				24, 626. 78		
Chevrolet Motor Divi-		FL	Apr. 12, 1935	45,00		Strike in Cincinnati, Ohio, Apr. 30-May 28,	Recognition and wages.
sion.19			,			1935.	
Do	do	FL	Apr. 13, 1935	629, 40		Strike in Toledo, Ohio, plant, Apr. 23-May	Recognition, hours, and
D0	do	FL		2, 242, 00		14, 1935.	wages.
D0	do			6, 874. 90		Strikes in all divisions, December 1936-Feb-	Recognition.
Do				78.00	:	ruary 1937.	part of Table
Do			May 21, 1936	523, 66		, and the second	}
Do	do	FL					}
Do			Mar. 21, 1934	941, 20			
D0				100,00			
Do				20.00			
				721.00	(18, 413, 86)		
Do		TT	Dec. 31, 1935	473.60	(473.00)		
Chevrolet Grey Iron	Saginaw, Mich	FL	1700. 31, 1830	210.00	(210.00)	ı	)
Foundry.16	Indianamatic Ind	777	July 12, 1935	<b>≈</b> 672,46	(672.46)	•	l ·
Chevrolet Commercial	Indianapolis, Ind_	F 1.	July 12, 1935	~ 0/2.30	(0,2,40)		1
Body Division.16	Charles Obio	T 10	Feb. 28, 1933	138.00		Strike in Cleveland, May 10-17, 1934.	Wage increase.
Fisher Body Division 19						Strike in Cleveland, May 9-14, 1985	Sympathy.
Do		FL	May 18, 1934		(1, 752.80)		
Do	Fint, Mich	F.L	May 14, 1935	1, 320. 20	(1,104.00)	1	1
Pontiac Motor Division 18.	rontiac, Mich	1.F~~~	MBT. 23, 1934	120.00	(EE0 95)	j -	1 1 2 2 1 1 1 1 1 1 1
Do	'do	LE	: May II, 1935	438. 35	(588.35)	•	* * · · · · ·

15 Exhibits 3572 and 3581-A, pt. 15-D, pp. 1990 and 8999, respectively, show that delivery was to the Seattle Police Department.

16 For information concerning the manner in which payment was made on this shipment, see the deposition of A. E. Stow, operating manager and assistant to T. G. Plant,

vice president, the American-Hawaiian Steamship Co. (also president of the Waterfront Employers Union of San Francisco), see exhibit 3711, pt. 15-D, p. 7102. Mr. Stow arranged for this payment. See also p. 143.

14 Cleveland Plain Dealer, Feb. 24, 1935.

114 Cleveland Press, Apr. 1-3, 1935. 114 Cleveland Press, February-March 1936. 12 Division of General Motors Corporation.

» Original invoice indicates shipment to Marion County.

was to the Seattle Fonce Department.

18 Original invoice indicates delivery to Citizens Strike Committee.

17 See pt. 15-D, exhibit 3760, p. 7214, a letter from B. C. Dinius, salesman for the Lake
Erie Chemical Co., to A. S. Alles, vice president in charge of sales, dated Apr. 3, 1935,
indicating that payment was made by the Seattle Chamber of Commerce.

# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1935 through June 1957—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
General Motors Corporation— Continued.							
Packard Electric Divi-	Warren, Ohio	FL	Oct. 15, 1935	<b>\$</b> 57. 10			
A. C. Spark Plug Divi-	Cleveland, Ohio Flint, Mich	FL	Oct. 18, 1935 Mar. 23, 1933	57. 10 118. 00	(\$114.20)	Strike threat, April-May, 1935	Wages and hours.
alon.u Do	do	FL	May 14, 1935	736. 40	(854.40)		Wages and notes.
New Departure Division 19 Buick Motor Division 19 Olds Motor Works Divi-	Bristol, Conn Flint, Mich	FL	Aug. 31, 1935 May 21, 1935	1,006.41 681.10	(1, 006. 41) (681. 10)	Strike threat, April-May 1935, in Flint plant	
sion.19 General Tire & Rubber Co	Lansing, Mich Akron, Ohio		July 21, 1934	99.60	(99. 60) 2, 615, 55	. ,	Do.
Do	do	1772 1	July 10, 1934 Apr. 12, 1935	975.60 319.20	2,010.00	Strike, June 19-July 19, 1934 Strike threat, April 1935 188	Wages. Recognition.183
Do Do B. F. Goodrich Co	l do			1, 320. 75	7,740,60	General Tire & Rubber Co. strike, Akron,	Wages.
Goodrich Rubber Co	ldo	LE	Mar. 31, 1933 July 5, 1934	460.00		Ohio, June 19-July 19, 1934. Strike threat, April 1935 188	Recognition.183
Do Do Do	do	LE	Mar. 23, 1935 Mar. 25, 1935 Mar. 28, 1935	796.00 1,274.40 328.78			
Do	do	LE	do	775, 20 547, 20			
Do Martha Mills n	Thomaston, Ga	M	Mar. 21, 1935 Aug. 7, 1934	2, 094. 32 128. 60	(6, 52590)	General textile strike, September 1934 **	Do.**
Do	l do .	1	Sept. 4, 1934 Sept. 13, 1934		(1, 214. 70)	· -	
Goodyear Tire & Rubber Co Do	do	LE	June 3, 1933 Oct. 4, 1933	222.00 72.00	16, 912, 58	General Tire & Rubber Co. strike, Akron, Obio, June 19-July 19, 1934.	Wages.
Do	do	LE	Dec. 12, 1933 June 11, 1934	121. 50 424. 60		Strike threat, April 1935 188 Strike, February-March 1936 184	Recognition, 185 Recognition, wages, and hours, 185
Do	do	FL	Mar. 28, 1936 May 3, 1934	1,305.84 302.08		. <del></del>	nours,
Do Do	do	(210)	Sept. 29, 1934 Mar. 22, 1935	572.06 994.40			
Do	do	M	Mar. 16, 1936 Apr. 9, 1935 Mar. 15, 1936	5, 866, 40 1, 076, 85 2, 010, 00	(14, 424. 78)		
Do	ldo	FL	do	2, 196, 45 235, 00			
Do	do	FL	Nov. 20, 1935	20.00			,

Goodyear Clearwater	Cartersville, Ga	FL	Sept. 7, 1934	362.69	1	General textile strike, September 1934 **	Recognition .
Mills.11	ا مد ا	T TD 2	0	200 20			
Do	90	LE		336.60	1		ł
Do			Sept. 10, 1934	120 63	1		
Do	qo	T-15	Sept. 11, 1934	360.00			
Do	00	FL	Sept. 20, 1934	361. 48	(1, 538. 40)		
Great Western Sugar Co	Denver, Colo				1,773.74		
Do	do	FL			1		
Do	do	FL	Dec. 11, 1934	1,602.44			m
Gulf Refining Co *	New York, N. Y				1,384.47	Gulf Coast longshore and maritime strike,	Recognition and wages.
<u>D</u> o	do	FL	Feb. 19. 1935	54.00		Oct. 2-December 1935.	
Do	Pittsburgh, Pa	FL	Mar. 15, 1934	149.00	<b>!</b>		ĺ
Do	Port Arthur. Tex.	FL	Nov. 15, 1935	1, 181. 47	!		
Hammond Lumber Co	Eureka, Calif				1, 272, 02	Strike, May-June 1935 230	
Do	do	FL		1,248 02			
. Do		FL		6.00			
Do	Samos, Calif	FL	June 6, 1935	18.00	İ		
Harbor Plywood Corporation.	Lioquiam, Wash!				1,811.36		
Do	do	LE	June 24, 1935	245.00	'		•
Do	do	LE	June 27, 1935	410.00	i i		· ·
Do	do	LE	Tune 26, 1935	858, 84			
Do	do	LE	do	202.17			
120	l do l	1.10	I Oct 17 1935	95, 55	1		<b>)</b>
George A. Hormel & Co	Austin, Minn				1, 623. 97		ì
The	i do i	PT.	Ans 90 1025	657. 7 <b>5</b>	.,	•	i
Do	E do	I.R	Jan. 20, 1934	966, 22	<b>i</b> i		i '
E. J. Hunt & Co	Detroit Mich				12, 078, 88		
Do	l do	M	Aug. 17, 1936	141. 25	13,010.00		
The	do	M	1 30	18 92			
(% Wright Gedge)	do	T.R.	Apr. 24, 1937	126 43	1		
(% Wright Gedge)	do	LE	Apr. 22, 1937	293.00			
(% J. W. Reynolds, agent).	Chicago, Ill	M	Feb. 18, 1937	899.98	1		ł
Do	do	M	Mar. 11, 1937	106 90	1		1
Do	do	М	Mar. 14, 1937	172.50	l i		
Do	do	M	Mar. 17, 1937	727.50	1		
Do	do	M	do	108.00	1		i
				. 100-00	•	•	

<sup>18</sup>c Cieveland Press, February-March 1936.

18 Subsidiary of B. F. Goodrich & Co.

18c Purchased from the Ohio Rubber Co., Willoughby, Ohio.

18 Subsidiary of the Goodyser Tire & Rubber Co.

18 Subsidiary of Gulf Oil Corporation.

18 Pt. 15-D, exhibit 3646, p. 7050.

# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1935 through June 1957—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
E. J. Hunt & Co.—Continued.							
(J. W. Reynolds, agent)	Chicago III	. M	Mar. 18, 1937	\$432.00			
Do	do	M	Apr. 2, 1937	9,062.50			
Industrial Rayon Corporation	Cleveland, Ohio		Sept. 1, 1934	916.66	\$1,810.66	General textile strike, September 1934 ***	Recognition.223
Do	do	LE	Sept. 17, 1934	894.00	! !		
Do	Toledo, Ohio	LE	(36)4. 11, 1934	1	3, 349, 61	General steel strike threat. June 1934 20	Do.20
Interlake Iron Corporation	do	FL	June 8, 1934.	642.11	3, 319. 01	Union organizing campaign beginning July	10
Do	do		do	334.85	}	1936.14	
Do	do	FL	do	662.81		1200.	
Do	do	FL.	June 9, 1934.	» 334. 84			
Do	Chicago, Ill	AM 25	Aug. 3, 1936	1, 375, 00			
Jones & Langhlin Steel Cor-	Pittsburgh, Pa	1		-,5.0.00	4, 754, 67	General steel strike threat. October 1933	Do.14
poration.					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	General steel strike threat. June 1934 20	Do.30
Do	da	FL	Sept. 28, 1933	545, 80			]
Do	do	FL	Oct. 9, 1933	310.20		,	
Do	do	FL	May 26, 1934	1, 926, 60		•	
Do	do	FL	May 31, 1934	1, 326, 17	į		
Do	do	FL	June 18, 1935	447.00		, i	
Vesta Coal Co.*	do	FL	July 27, 1933	198.90		Strike, September-October 1933 16c	Recognition, wages.14c
La Salle Steel Co	Chicago, Ill	FL	June 20, 1934		1,092.75	General steel strike threat, June 1934 !	Recognition.10
James Lees & Sons Co	Bridgeport, Pa				1, 406. 46	General textile strike, September 1934 6	Do. 6a
Do	do	FL	Sept. 10, 1934	108.00		_	
Do	do	FL	Sept. 13, 1934	69.70			
Do	do	FL	Sept. 25, 1934	120.00			
Do	do	FL	Oct. 5, 1934	76. 26			
Do	do	FL.	Oct. 6, 1934	1,032.50		<b>'</b>	•
Lehigh Valley Coal Co	Wilkes-Barre, Pa_	FL	June 30, 1936		1, 030. 50		
Lincoln Mills of Alabama	Huntsville, Ala	l- <u></u> l			1, 203, 04	General cotton textile strike in Alabama,	Recognition and wages
Do	do	FL	July 24, 1934	583.40		July 17-Aug. 31, 1934.	- A:
Do	do	FL	do	199. 24		General textile strike, September 1934 6	Do.44
Do	do	FL	July 27, 1934	420.40		C4 23 37 3 4004 T 700F Ma	
Los Angeles Ry. Co	Los Angeles, Calif.		37 00 1004		1, 717. 99	Strike, November 1934-January 1935 ***	
Do	do	FL	Nov. 28, 1934	1, 287. 99			
Do	do	FL	Nov. 30, 1934	27 430.00	0 975 00		
A. 8. Manages	99 Hudson St.,	FL	Mar. 13, 1935		2, 375, 00		
	New York,	)		:			
Puents Martin Comments	N. Y. Cambridge, Mass.	T TO	Dec. 21, 1935		3, 033, 35		
Frank Martin Corporation		**B	1/00. 24, 1800		1,396.00	Strike, June 26-29, 1934	Discrimination.
Milwankee Electric Railway & Light Co.	Milwaukee, Wis		******		1, 350.00	DH 180, 4 HHO M-80, 1002	Dage time atom.
Do	do	FL	Dec. 2, 1933	100.00		į	
D0	do	FL	June 25, 1934	1, 296, 00			

John Morreil & Co	Ottumwa, Iowa				1, 147, 54		1
Do	do	FL	Aug. 14, 1934	711.40			
Do 8	Sioux Falls, S.		June 22, 1984	225. 54			<b>1</b> .
	Dak.						1
Do	do	FL	June 27, 1934	138.60		•	1
Do	do	FL	July 10, 1934	72.00		*	
	Philadelphia, Pa				1, 319. 63	Strike. Aug. 21-Oct. 1, 1934, at Paterson, N. J.	Discrimination and sym-
Co. #						and Williamsport, Pa.	pathy.
Do	do	LE		<b>** 380.00</b>		l <del>i</del>	II.
	do	LE	Sept. 29, 1934	<b>38</b> 615, 28.		•	l:
	Williamsport, Pa		Sept. 8, 1934	183. 21		•	
	do	FL	Sept. 10, 1934	18.00		:	The second secon
Do	do	FL	Sept. 17, 1934	123, 14			
	Pittsburgh, Pa				12, 085. 37	Strike Sept. 26-Oct. 16, 1933	
	Weirton, W. Va		Oct. 12, 1933	360.00		General steel strike threat, June 1934	Do.**
Do			do	1,506.70			o enter to vari
<u>D</u> o		FL	do	61.01		'	
Do		FL	do	60.00			
<u>D</u> o		FL	do	480.00		•	
Do		FL	do	516.45			• •
<u>D</u> o		<u>FL</u>	do	457. 50		1 - 17.	ti i i i i i i i i i i i i i i i i i i
Do		<u>F</u> L	do	187. 79		fight the second of the second	
<u>D</u> o		FL	do	360.00			i
Do	D0	<u>FL</u>		782.00			e
Do		FL	Oct. 14, 1933	36.00		· · · · · · · · · · · · · · · · · · ·	
Do		<u>F</u> L	Oct. 17, 1933	55. 30			7
Do		FL	Dec. 21, 1933	328, 50			1
Do		FŁ		64.85	1		1
<u>Do</u>	do	FL		913. 59			
D0	do	FL	do	842.49		$\mathbf{l}_i$	J

September 1934. On Sept. 16, 1934, rayon workers voted to join the strike. Philadelphia Record, Sept. 17, 1934.
 Invoice indicates shipment to Perry Iron Co., a subsidiary of Interlake Iron Corpo-

ration.?

<sup>\*\*</sup> American Munitions Co., Chicago, Ill.

\*\* Subsidiary of Jones & Laughlin Steel Corporation.

<sup>\*\*</sup>Pt. 15-D exhibits 3574-3578, pp. 6993-6997.

\*\*Prior to March 1934, this company was the National Silk Dyeing Co.

\*\*Prior to East Paterson, N. J., plant.

\*\*Subsidiary of National Steel Corporation.

# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1933 through June 1937—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
ational Steel Corporation—							
Continued.		l	35 - 05 1011	<b></b>			1
Weirton Steel Co. Con.	Weirton, W. Va		May 29, 1934	\$746, 25			1
Do 20	do	FL	June 8, 1934	702.00	1		·
Do 20	do	FL	June 9, 1934	77k 18			İ
Do 30	do	FL	June 11, 1934	1, 222, 00	į į		
Do 30	do	FL	June 14, 1934	31.95			
Do **	do	FL	do	<b>500</b> 50	(\$11, 778, 17)	`	
Weirton Improvement		FL	Jan. 31, 1934	<b>85</b> 0. 20			
Great Lakes Steel Cor	Ecorse, Mich	FL	Mar. 21, 1934	295, 20			1
poration.36					1	· ·	1
Do	do	FL	May 15, 1934	12.00	(307. 20)		1 :
io Insulator Co.22	Barberton, Obio				10, 077, 98	Strike, Sept. 19-Dec. 22, 1935	Recognition, wages, and
Do		LE	Nov. 18, 1935	880.70			hours.
Do	do	LE.	Nov. 20, 1935	3,009.00		:	
Do	do	LE	do	1, 094, 40			
Do.	do	LE	Nov. 19, 1935	606,00			
Do	do	FL	Jan. 22, 1935	319.20			1
Do	do	FL	Nov. 18, 1935	514.78			· .
Do	do	FL	Nov. 21, 1935	2,890.80	1 .		· ·
Do	do	FL	Nov. 22, 1935	792.00			i
io Rubber Co	Willoughby, Ohio.				3,792,40	Strike, Sept. 2-6, 1933 #	Recognition.33
Do	do	LE	Sept. 14, 1933	101, 50	1	Strike, Feb. 18-28, 1935.	Recognition, wages, and
Do	do		Sept. 8, 1933	285, 50	i i		bours.
Do	do	LE	Jan. 26, 1935	162.00			1
Do	do	LE	Feb. 25, 1935	842, 40			<b>3</b>
Do		LE.	Feb 7, 1935	2,401,00			J .
nnsylvania R. R.	Pittshurgh Pa			4 15,4 00	7, 466, 25	General steel strike threat, June 1934	Recognition.20
Do.	do do	FŁ	Aug. 14, 1933	149, 65	1, 200. 20	"Little Steel" strike, May 26-July 1937	Recognition and signed
Do	do		Aug. 31, 1933	51.00			contract. 30e
Do.	do	FL.	do	108.00	1		
Do	do		Oct. 10, 1933	370.40			·
Do	do	FL	May 11, 1934	109.50			
Do	do	FL	June 6, 1934	1, 313, 55	<b>,</b>		
Do	do	FL.	Mar. 31, 1935	30.00	1		1
Do	do	FL	do	525, 60	Į.		1
Do	do	Fi	June 1937				1
iladelphia & Reading Coal	Potterille De	F L	June 1937	1, oun. 00	17, 821, 12	, maker	<u> </u>
L. Know Co.	į · ·	1			1.,021.12	i	}
Do	do	TE	Feb. 22, 1936	170.12	1		1
Do	do	LE	Feb. 26, 1936		Į		i
Do	do	TE	Feb. 7, 1936	50.00			1 .
Do	QV	1.E	July 28, 1936		Į.	<u> </u>	,

Pittsburgh Plate Glass Co	Barberton, Ohio	· 			3, 151, 40	1	l
Do	do	LE	Sept. 23, 1935	957. <b>0</b> 0			
Do	do	FI	Mar. 10. 1936	8.80			. The state of the
Columbia Chemical Co.33	do	LE	Mar. 27, 1934	197. 50		Strike, Apr. 19, 1934.	Discrimination.
Do	do	LE	Apr. 21, 1934	816.00			
Do	do	FL	Dec. 14, 1935	1, 172, 10			
Pittsburgh Steel Co	Pittsburgh, Pa				1, 542, 30	General steel strike threat, June 1934 19	Recognition. 10
		FL	June 7, 1934	502.90	i		'
Do	do	FL	May 22, 1934	542,90	•	'	
Do	Monesson, Pa.	FL	June 6, 1934				
Republic Steel Corporation					79, 712, 42		Wage increase.254
Do	Youngstown.		Aug. 30, 1933	348.00		Strike, Birmingham, Ala., Apr. 25-May 4,	Discrimination.346
	Ohio.					1934.34	l
Do	do	FL	Oct. 24, 1933	1, 965, 45		General steel strike threat, June 16, 1984 340	Recognition.344
Do	do	FL	Nov. 13. 1933	222.00		Strike (Warren and Niles, Ohio) July 1, 1934 14.	Do. 144
Do			Mar. 30, 1934	128. 55		Strike (Berger and alloy plants, Canton,	Do. 444
Do	do	F.L		142.98		Ohio) May 27-June 1, 1935,344	·
Do	do	FL	June 6, 1934	8, 499, 20	,	Strike at plants of corporation and subsidi-	Do. 340
Do	do	FL	June 15, 1934	641.25		aries in Youngstown, Cleveland, Warren,	
Do	do	FL	May 10, 1935	62.70		Niles, Canton, and Massillon, Ohio; Cum-	
Do	do	FL	May 28, 1935	1, 498, 80		berland, Md.; Monroe, Mich.; Pittsburgh	
Do	do	FI	do	4, 600, CO		and Beaver Falls, Pa.; South Chicago, It.,	
Do	do	FL	May 31, 1935	3, 009, 60		May 26-July 1937.44•	
Do	Canton, Ohio			45. 20			
Do	Youngstown, Can-	FL	May 29-June 23,	27, 261. 83	}		
	ton, etc.		1937.				
Do		FL	Mar. 12, 1934	582, 84			
Do	Warren, Ohio	FL	June 7, 1937	2,800,40	:		l
Do	do	FL	June 12, 1937	50,00	[52, 510, 05]	Ι	I

<sup>\*\*</sup> Subsidiary of National Stell Corporation.

\*\* Subsidiary of Weirton Stell Co.

\*\* Subsidiary of Ohio Brass Co. Original invoices indicate shipment care of F. H.

\*\*Bellows, purchasing agent.

\*\* Pt. 21, exhibit 4202, pp. 9298-9297; and testimony of William Frew Long and Franklin G. Smith, pt. 21, pp. 9163-9164.

<sup>22.</sup> Pt. 23, exhibit 4312, p. 2023; see also pts. 19, 32, and 33, passim, for a description of the activities of the Pennsylvania R. R. police in the strike.

24 Purchased for the Anthracite Institute. (See testimony of Walter Gordon Merritt, pt. 2, pp. 425 ff., and testimony of A. S. Alles, pt. 2, pp. 414 ff.)

25 Sabsidiary of Pittsburgh Plate Glass Co.

26 Pt. 23, exhibit 4312, p. 9923.

Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1933 through June 1937—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
Republic Steel Corporation—			:				
Continued. Union Drawn Steel Co.*	Manaillam Ohio	PT	3.5 00 1004	<b>~</b> ~			
Do	Massillon, Ohio	FL	May 28, 1934 June 7, 1935	\$9.00 315.00			
Do	do	FL.	June 1, 1937	1, 847, 66			:
Do	Chicago, Ill	FL	June 2, 1937	2, 081, 20			
Do	Beaver Falls, Pa	FL	June 1, 1937	1, 352, 66	(\$5,605 52)		
Truscon Steel Co.	Cleveland, Ohio	LE.	Jan. 23, 1935	213.90	(\$0,000 32)	Strike (Truscon Steel Co., Cleveland, Ohio)	Wage increase.**
Do	do	FL	June 1, 1937	2,749,22		Jan. 1, 1935,44	Wage increase.
Do	Youngstown, Ohio.		do	2, 848. 02	(5, 831. 14)	Fill. 1, 1750.	
Steel & Tubes, Inc.		FL	do	2, 791, 32		Strike (Steel & Tubes, Inc., Elyria, Ohio).	Wages and working con
Do	do	FL	Nov. 12, 1935	154, 71		May 1s. 1935.44	ditions Me
Do	Youngstown, Ohio.	FL	May 6, 1935	1, 199. 87	(4, 145. 90)		
Corrigan, McKinney Steel	Cleveland, Ohio		June 1, 1937	2, 953. 32	(2, 953, 32)		
Upson Co.*	go	FL	do	2, 884, 22	(2, 884, 22)		
Niles Steel Products Co.*.	Niles, Ohio	FL	do	2, 630. 42	(2, 630, 42)	•	
Mahoning Supply Co	Indiana, Pa	FL	Sept. 30, 1933	60.00	(60.00)		
Newton Steel Co.*	Monroe, Mich.	FL	Apr. 24, 1935	2, 085. 20		Strike (Newton Steel Co., Monroe, Mich.),	"Other." 34-
Do	do	FL	do	133. 20	1	Apr. 18, 1935.44	1
<u>D</u> 0	do	AM	June 10, 1937	¥ 480. 60			'
Do			do	340.50	1		
Do			do	as 237, 60			
	qo	-FL	June 5, 1937	<sup>86</sup> 456, 00	(3, 733, 10)	0. 7. 0 . 0 . 1000	,,,
Spang Chalfant & Co., Inc					5, 281, 35	Strike, Oct. 3-5, 1933	Recognition.
Do	do	FL	Oct. 10, 1933	1, 378, 70			
Do		FL	do	128, 80	l		
Do.	go	FL	do	1, 848. 40			
Do.	Q0	FL	do	1, 453. 75			
Do	<u>q</u> 0	FL	do	417.60			•
Do Standard Oil Co	OD	FL	Oct. 30, 1936	54. 10			
Standard Oil Co. of Cali-	Richmond, Calif.	7 70	T-1- 6 1004	150, 86	1,721.89	Longshore and maritime stalks on West coast.	Closed shop.
fornia.	Kiesmond, Cant.	LE	July 6, 1934	130.80	(150, 86)	May 9-July 31, 1934.	Closed Shep.
Do	San Francisco, Calif.	LE	July 3, 1934	132.00		Tanker and shipping strike, Mar. 9-June 17, 1935.	;
Do	do.	LE	July 5, 1934	284, 14		TANK.	* *
De	go	LE.	July 6, 1934	94. 37	]		
De	do	LE	July 27, 1934	146.98			
Do	do	LE	May 1, 1935	103, 94	(761. 43)		
Standard Oil Co. of Ohio	Cleveland, Ohio	LE	Apr. 30, 1934	778, 10	1		
Do	do do	FL	May 18, 1934	31, 50	(809, 60)		

Sun Oil Co	Philadelphia, Pa_				2, 431, 22		•
Sun Oil Co		LE	Oct. 24, 1933	27.00			
Do		FL	Apr. 30, 1934	242.70			;
Do	Cleveland, Ohio	FL	Apr. 25, 1934	705.60			
Do	Marcus Hook, Pa.	FL	Aug. 19, 1936	198.00			Descentition marge and
Sun Shipbuilding & Dry-	Chester, Pa	FL	Dec. 12, 1936	570. 12		Strike, Dec. 7-24, 1936	Recognition, wages, and
dock Co.	1		_			•	hours.
Do	do		do	687.80		Comment Assettle senting Contempher 1024 Me	Recognition and wages.214
Tallassee Mill Co	Tallassee, Ala	FI	Sept. 14, 1934		1, 330.80	General textile strike, September 1934 ***	Do.
Texas Co.41					1, 636. 50	Gulf coast maritime and longshore strike, Oct. 2-December 1935.	10.
Do		FL				Oct. 2-December 1957.	
Do	do	FL	Oct. 28, 1935	115.50	1, 198, 47	General textile strike, September 1934 **	Do.**
Thomaston Cotton Mills	Thomaston, Ga		0-4 19 1024	978 35	1, 195.37	General extine strike, beparately 1301 ===:-	
Do	do	FL		111111		i	· ·
Do	do	F L	Sept. 15, 1934	220.12	6, 867, 69	Strike, July 25-Aug. 13, 1935	Discrimination.
Thompson Products, Inc.43		T TP	Apr. 10, 1937	6, 452.00		Strike, Feb. 20-Mar. 5, 1937	Wages.
Do	do		Aug. 19, 1935			Od.120, 2 00, 20 1.141, 0, 000, 000, 000, 000, 000, 000, 00	
Do	Cleveland, Obio		Aug. 22, 1935				
Do			Aug. 15, 1935				
D0		1.6	Aug. 10; 1300	440. 440.	1, 900, 80		
Union R. R. Co		DT	Oct. 7, 1933	18, 00	1,000.00		,
Do			do	360.00		_	1
Do	do		do	300.00			• •
Do	do		do	480.00			·
Do	QU	FI	Oct 10 1933				1
Do	JUU	- A Ad	1 000. 10, 1500	, , , , , , , , , , , , , , , , , , , ,	•	•	•

\*\* Subsidiary of Republic Steel Corporation.

\*\* Became Republic Steel Corporation subsidiary in October 1935.

\*\* Became Republic Steel Corporation subsidiary in June 1935.

\*\* Braham Laboratories, Inc., Cleveland, Ohio.

\*\* Delivered to the city of Monroe.

\*\* Subsidiary of Sun Oil Co.

\*\* Subsidiary of The Texas Corporation.

\*\* This purchase was made by a man using the name "George Martin," as a representative of Thompson Products, Inc. (See exhibits 5875 and 5876-C.)

# Purchasers of over \$1,000 worth of tear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1953 through June 1957—Continued

Purchaser	Location	Vendor	Date	Amount	Total .	Developments in labor situation	Cause of strike or strike threat
United States Steel Corpora-	New York, N. Y.				\$42,028.12		
Carnegie Steel Co.4	Youngstown, Ohio.	FL	Feb. 24, 1933	\$80.50		Strike at Clairton, Pa. plant October 1983	Recognition.44
Do	do	FL	Mar. 18, 1933	28.00		General steel strike threat. October 1933	70.44
Do	do	FL	June 5, 1934	1, 244, 00	1	General steel strike threat, June 1934	Do.20
Do	do	FL	Nov. 3, 1934	60.00			
Do	Pittsburgh, Pa	FL	Nov. 21, 1933	72.00			
Do	do	FL	June 7, 1934	751. 20	•		
Do	do	FL	do	639. 26			
Do		FL	do				
Do	do			265. 63	[		
Do	do	FL	go	1, 297. 24			
Do	do		do	810.80	1		,
Do		FL	do	751. 20	l		
	do	FL	June 12, 1934	38, 54	1		
Do	do	FL	June 28, 1934	24. 15	ĺ		
Do	do	FL	Apr. 15, 1935	24. 15	1		
<u>D</u> o	Bessemer, Pa	FL	Sept. 9, 1935	50.00		•	
Do	Braddock, Pa	FL	June 6, 1934	758, 00	ł		
Do	do	FL	Sept. 30, 1933	240.00	1		
<u>D</u> o	Clairton, Pa	FL	do	524, 70	!		
Do	do	FL	do	1, 212, 40	ł		
Do	Duquesne, Pa	FL	June 5, 1934	732.00			·
Do	do	FL	Oct. 6. 1933	663 40	i		
Do	do	FL.	Oct. 11, 1933	432.00			
Do	Farrell, Pa	FL	Oct. 9. 1933	439.52	i		
Do.	Homestead, Pa	FL	Apr. 18, 1933	96.00	l		9
Do	do	FL	June 7. 1934		(11 noc ec)		
Illinois Steel Co.43	Chicago, Ill		June 15, 1934	732.00	(11, 996. 69)		
Do	do	FL		4, 493. 84		do.\$4	Do.20
	00		do	4,747.94			
Do	do	FL	June 16, 1934	2,495.70			
Do Do	qo	FL	June 18, 1934	792.45			
	do	FL	June 19, 1934	668. 25	(13, 198. 18)		:
Carnegie-Illinois Steel Cor- poration.42	Youngstown, Ohio.		Feb. 14, 1935	18.00			
Do	do	FL	Apr. 15, 1935	28.00	(46,00)		
Lorain Steel Co.43	Johnstown, Pa	FL	Aug. 3, 1933	48.00		General steel strike threat, October 1983	Do.10
Do	do	FL	Sept. 30, 1933	180.00			20
Do	do	FL	Oct. 10, 1933	908.40	1		
Do	do	FL.	June 18, 1934	100, 19			;
Do	· đo	TPT.	Inne 20 1034	12.80	1		
Do	40	PT	Sept. 30, 1935	40.53	(1, 296, 92)	1	

National Tube Co.43	Elwood City, Pa.	FL	Oct. 10, 1933	1 894.00	1	ido.14	Do.ii
D0	do	FL	Oct. 9. 1933	194.70		General steel strike threat, June 1934 10	Do.10
Do	do	FL	Oct. 13, 1933			Berger strike in Canton, May 27-June 1, 193544	
Do	do	FL	Oct. 2, 1933			Strike threat at Duquesne works of Carnegie	Hours and wages.435
Do	McKeesport, Pa	FL	July 24, 1933	15.00	1	Steel Co., May 31, 1935.41	Mours and wagos.
Do l	do	RT.				5 to a 5 to 1 to 5 to 5 to 5 to 5 to 5 to 5 to	*
Doi	do	FL	Oct. 4, 1933	60.90			
Do	do	FL.	Oct 9, 1933		!		
Do	Lorain, Ohio	FL	Oct. 3. 1933	111.43		!	
Do	ďα	RT.	Oct. 11, 1933	990.00		;	
Do	l do	FT.	Oct 17 1933	398.00			
Do	Pittsburgh, Pa	FL	Mar. 15, 1933	34, 50	l		
D0	do	FL	Oct. 11. 1933	20.00	•		
Do	do	FL.	June 15, 1934	105.60	i -		
Do	do	FL	May 13, 1935	43e 3, 865. 45			
Do	do	FL	June 4, 1935	2, 310. 30	(10, 357. 48)		•
H. C. Frick Coke Co.	Duluth, Mian	FL	Feb. 20, 1934	3, 391. 08		Strike in Fayette County. Pa., mines, July-	Recognition and wages.
Do	New Salem, Pa	FL			]	Aug. 21, Sept. 12-October 1933.44	, , ,
Do	<sup>(10</sup>	FL	July 31, 1933	26.40		General coal strike Sept. 23, 1935, threatened	Wages.44
Do	<sup>1</sup> 0	FL	do	1, 943. 40		since Mar. 31, 1935.114	
Do	Pittsburgh, Pa	FL	do	798.00	1		
Do	ao	¥1	Aug. 12, 1933	1,824.90	į į		
Do	ao	II Lanca	Aug. 7, 1933	1,581.00	1		
Do	40	FL	Oct. 9, 1933		1		
Do	0	F L	June 7. 1934				
Do	Coott dolo Do	FL		1,064.00			
Do	do do	FL	June 12, 1933 June 22, 1933	96.00 120.00			
Do	do	FL	July 19, 1933		1	•	
Do.	Gary, W. Va.	FL	July 21, 1933		(12, 443, 85)		
United States Coal & Coke	Lynch, Ky		do	130.70	(12, 710.00)	Organizing drive, July 1933 4/	
Co.44			UV	100.70		AIBumming Mili de Amil 1900	•
Ďo	do	FL	July 31, 1933	120,00			
Do	do	FL	Aug. 29, 1933		]		
Do	do	FL	Oct. 19, 1933		1	,	
					-	•	

424 Original invoices made out to A. H. Baum, Federal Laboratories salesman. Information was supplied to the committee by Federal Laboratories that these munitions were for the National Tube Co.

44 Strikes in Fayette County, Pa. at the H. C. Frick Coke Co. mines. Pittsburgh Press, August-October 1933.

44 Strike of 400,000 coal miners beginning on Sept. 23, 1935. Strike calls had been issued 5 times since Mar 31, 1935. Pittsburgh Press, Sept. 23, 1935.
44 S. Rept. No. 6, pt. 2, 76th Cong., 1st sess., p. 47.

<sup>15</sup> Pittsburgh Press, Oct. 1-5, 1933.
26 General strike threat, scheduled for June 16, 1934 (resolution of the Amalgamated Association of Iron, Steel & Tin Workers of North America adopted at the convention on Apr. 17, 1934; see pt. 23, exhibit 4305, p. 9752).
38 Pt. 23, exhibit 4312, p. 9923.
48 Subsidiary of the United States Steel Corporation.
49 Pittsburgh Press, Oct. 1-9, 1933.
49 Pittsburgh Press, May 31 and June 1, 1935.

Purchasers of over \$1,000 worth of lear and sickening gas and equipment, exclusive of law-enforcement agencies, January 1955 through June 1957—Continued

Purchaser	Location	Vendor	Date	Amount	Total	Developments in labor situation	Cause of strike or strike threat
United States Steel Corpora-							
tion—Continued. United States Coal & Coke Co.48—Continued.	Pittsburgh, Pa	FL	Jan. 15, 1935	\$576.00			
Do.4	Gary, W. Va			228.00			į
Do	do	FL	Aug. 22, 1933	503.18			
Do	do	FL	Oct. 12, 1933	50.35	(\$2,082.76)		Î
American Sheet & Tin	Gary, Ind	FL	June 15, 1934	821. 90		General steel strike threat. October 1933 18	Recognition 14
Plate Co.4	i .	l			ĺ	General steel strike threat, June 1934 **	Do.24
Do	do	FL	June 13, 1934	784.00	Į .		ł
Do		FL	Oct. 9, 1933	30.00			
Do	Pittsburgh, Pa	F.D	do				
Do	do	FL	June 15, 1934	821.90	1		
Do	do	FL	do	1,461.00	1		
Do	do	FL	June 12, 1934	1, 256. 60	(5, 974. 60)		]
Tennessee Coal, Iron &	Birmingham, Ala.	FL	Oct. 6, 1933	66.80		Strike at coal mines, Apr. 14, 1934, May 3,	
R. R. Co.4	1 .				1	1934 41¢	
Do	do	FL				Strike at ore mines. May 4, 1934 June 2,	
Do	qo	FL		1, 199.00		1934.43	f .
Do	do	F.L	May 2, 1934	92.40		Strike threat at coal mines, Mar. 31, 1935.	· ·
Do	do	FL	May 3, 1934	92.40			f
Do	do	FL	May 5, 1934	102.30			i
Do	do	FL	May 10, 1934	54.90			
Do	do	FL	do	109.80			
Do	do	FL	Mar. 14, 1935	222.60	45		<b>.</b> .
Do	do	FL	Mar. 27, 1935	88. 50	(2, 148. 50)		
Do	do	FL	Nov. 4, 1935	13.00	1		
American Bridge Co.	Amoridge, Pa	FL	Aug. 18, 1933	29. 50		General steel strike threat, October 1933 13	Do.11
Do	do	FL	Oct. 4, 1933	632.00		Strike, Oct. 3-5, 1933	Do.
Do	[qo	FL	Oct. 9, 1933	660. 20	4		
Do	do	FL	Oct. 10, 1933	600.00	(1, 921, 70)		
National Mining Co.43	Pittsburgh, Pa	FL	June 22, 1933	60.00		General captive mine strike, July-October	Recognition and wages.10:
Do			Oct. 10, 1933	50.00	1	1933.10*	
Do	Cannonsburg, Pa.	FL	June 12, 1933	96.00	i	•	
Do	do	FL	July 20, 1933	120.00			
Do			Aug. 18, 1934	25. 37	1		
Do.44	do	FL	July 21, 1933	130.70	1		
Do.44	do		Sept. 18, 1934	5. 37	(487.44)		
West Point Mfg. Co	West Point, Ga				1, 722, 55	General textile strike threat, September	Recognition.
Do	do	LE	Sept. 19, 1934			1934.44•	
Do	do	FL	Aug. 27, 1934	29, 60			· '

Do	dodo do Pittsburgh, Pa Ambridge, Pa	FL	Sept. 15, 1934 Sept. 17, 1934 Oct. 10, 1933	126. 90 121. 10 420. 00	1, 364. 00	Strike, Oct. 3-5, 1933	Do	
Do	Youngstown, Ohio Indiana Harbor, Ind. do. Youngstown, Ohio do. do. do. do.	LE FL LE FL FL FL FL	June 14, 1934  June 26, 1934 Feb. 24, 1933 Oct. 10, 1933 Oct. 28, 1933 Oct. 13, 1933 June 6, 1934	142. 80 657. 60 724. 09 1, 724. 60 330. 00 198. 00 200. 00 939. 60 6, 027. 00	28, 385. 39	General steel strike threat, October 1933 13	Do.13	
Do	do	M FL FL	Nov. 30, 1934	30. 00 35. 00 13, 466. 50 1, 332. 00 44 995. 00 720. 00 647. 00 386. 00 650. 60	490, 598. 98	Strike, Oct. 10, 1933 474	"Other." #**	

<sup>40</sup> Testimony of Borden Burr, counsel, the Tennessee Coal, Iron & Railroad Co.,

pt. 3, p. 736.

4 Billed to H. C. Frick Coke Co. (See exhibit 3571, pt. 15-D, p. 6979.)

4 Billed to H. C. Frick Coke Co. (See exhibit 3571, pt. 15-D, p. 6979.)

4 A threatened strike at the West Point Manufacturing Co. was not called. (See pt. 7, pp. 2483-2495, and pp. 2685-2708.)

4 Of this purchase \$3,142 was obtained from the Lake Eric Chemical Co. by W. A.

Engelhert, sales manager of the Manville Manufacturing Corporation, and shipped to The Youngstown Sheet & Tube Co. without invoice.

"See testimony of James M. Woltz on July 30, 1938, appearing in pt. 27, which shows delivery was to the sheriff of Mahoning County.

"Subsidiary of The Youngstown Sheet & Tube Co.

1"Subsidiary of The Youngstown Sheet & Tube Co.

# APPENDIX B. PURCHASERS OF TEAR AND SICKENING GAS AND EQUIPMENT, EXCLUSIVE OF LAW-ENFORCEMENT AGENCIES, \$300-\$1,000, JANUARY 1933 THROUGH JUNE 1937

	115 purchasers	
1933.	110 purchasers	\$11, 221. 47
1935.		12, 524, 36
. 1936.		4, 690, 43
1937.		1,441,80
	Total	57, 532, 19

Location	Vendor	Date	Amount	Total
Chester, Pa	LE	Oct. 4, 1934		\$404.00
Langley, S. C.	LE			498. 25
Birmingham, Ala				458, 10
do	FL	Mar. 29, 1934		
ldo	FL	Mar. 30, 1934	257.40	
do	FL	Apr. 13, 1934		
	FL	Apr. 18, 1934		
	\$h	Apr. 20, 1934		
Santtle Wash	T.E	Nov 10 1028	33.00	389. 60
Pittsburgh, Pa	•	1404. 10, 1930		921. 10
do				
Detroit, Mich	LE	Oct. 31.1933	58.00	
Cleveland, Ohio	FL	Mar. 12, 1934	261, 20	
New Kensington, Pa.	FL	Sept. 5.1933	37. 50	
do	FL	Mar. 5, 1934	240.00	
do	FL	Sept. 4, 1934		
Pittsburgh, Pa	<u> FL</u>	Sept. 30, 1933		
do	Er	Aug. 3, 1934		
San Francisco, Calif.	FL	Jan. 29, 1935	24.00	719. 44
	1771	Tulm 11 1004	194.00	
do	F L	July 11, 1934		
	FT	Ont 20 1028		
do	PI.	Oct. 30, 1930		
Terrero, N. Mex	FL	Feb. 19, 1936		306. 00
Southbridge, Mass Bayonne, N. J	LE	Sept. 19, 1934		870, 00 618, 00
do	FL	Dec. 16, 1933	558.60	
	E.T.	Dec. 19, 1933	09.40	407.40
Parkersourg, W. Va.	W7	Tral- 04 1024	E00.00	605, 60
do	FI.	Aug 6 1024		
New York N V	FT.	Anr 28 1033		339, 43
Ashtehula Ohio		Apt. 20, 1000		423, 25
	LE	May 23 1934	135.00	. 140.20
do	M	Mar. 12, 1935		
Avon. Calif	FL	Apr. 24, 1935		327. 33
Pittsburgh, Pa	- <b></b>			503. 03
do	FL	Apr. 12, 1933	28,00	
do	$FL_{}$	Dec. 10, 1934	240.00	
Chicago, Ill	FL	Feb. 28, 1933		
do	FL			
Newark, N. J	FL	Oct. 2, 1934		394.80
Bloomsburg, Pa	707	04 10 1004		364. 09
<u>go</u>	FL		120.00	
do	£#			
Philodelphia Da		pehr. 58, 1893	30.00	641, 30
Timadelbuigh rarre	FY.	Mar 2 1024	153 00	041,00
do		do		
do		Mar. 7.1934		
Birmingham, Ala				356, 60
do	FL	July 30, 1935	50.00	300.00
do	FL	do		
San Francisco, Calif	LE.	Sept. 19, 1933		358, 42
Richmond, Mo				411.60
do	FL	June 9, 1936	75.00	,
	Chester, Pa Langley, S. C. Birmingham, Ala do do do do Leeds, Ala Seattle, Wash Pittsburgh, Pa do Detroit, Mich Cleveland, Ohio New Kensington, Pa do do do do Terrero, N. Mex Southbridge, Mass Bayonne, N. J do do do do do Terrero, N. Mex Southbridge, Mass Bayonne, N. J do Chester, Pa do do do do do do do do do do do do do do do do do do Chester, Pa do	Chester, Pa LE Langley, S. C. LE Birmingham, Alado. FLd	Chester, Pa. LE. Oct. 4, 1934 Langley, S. O. LE. Sept. 5, 1934 Birmingham, Ala. do. FL. Mar. 29, 1934do. FL. Apr. 13, 1934do. FL. Apr. 18, 1934do. FL. Apr. 18, 1934do. FL. Apr. 19, 1934 Seattle, Wash. LE. Nov. 10, 1936 Pittsburgh, Pa	Chester, Pa. LE. Oct. 4, 1934 Langley, S. C. LE. Sept. 5, 1934 Birmingham, Ala. do. FL. Mar. 30, 1934 do. FL. Mar. 30, 1934 do. FL. Apr. 13, 1934 do. FL. Apr. 13, 1934 do. FL. Apr. 18, 1934 do. FL. Apr. 18, 1934 do. FL. Apr. 19, 1934 Seattle, Wash. LE. Nov. 10, 1936 Pittsburgh, Pa. LE. Nov. 10, 1936 Cleveland, Ohio. FL. Mar. 12, 1934 do. FL. Sept. 5, 1933 do. FL. Sept. 5, 1933 do. FL. Sept. 5, 1933 do. FL. Sept. 5, 1933 do. FL. Sept. 5, 1933 do. FL. Sept. 30, 1933 do. FL. Sept. 30, 1933 do. FL. Sept. 4, 1934 do. FL. Sept. 30, 1933 do. FL. Sept. 30, 1933 do. FL. Sept. 4, 1934 do. FL. July 11, 1934 do. FL. July 21, 1934 do. FL. July 21, 1934 do. FL. July 21, 1934 do. FL. July 21, 1934 do. FL. Oct. 31, 1936 do. FL. Oct. 31, 1936 do. FL. Oct. 31, 1936 do. FL. Oct. 31, 1936 do. FL. Oct. 31, 1936 do. FL. Oct. 31, 1936 Dec. 19, 1934 Southbridge, Mass. LE. Sept. 19, 1934  Southbridge, Mass. LE. Sept. 19, 1934 do. FL. Dec. 16, 1933 Dec. 19, 1934 Ashtabula, Ohio. LE. May 22, 1934 do. FL. July 24, 1934 Ashtabula, Ohio. LE. May 23, 1934 Ashtabula, Ohio. LE. May 23, 1934 Dec. 19, 1933 Ashtabula, Ohio. LE. May 23, 1934 Dec. 19, 1933 Ashtabula, Ohio. LE. May 23, 1934 Dec. 19, 1935 Dec. 19, 1935 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1934 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19, 1935 Dec. 19, 1934 Dec. 19

<sup>1</sup> Subsidiary of American Radiator & Sanitary Corporation.

8 Shipped to White House Milk Co., Manitowoo, Wis., a subsidiary of the Great Atlantic & Pacific

Tea Co.

Shipped to the Red Top Milk Co., a subsidiary of the Great Atlantic & Pacific Tea Co.

Note.—For the sources from which this tabulation was prepared see introductory note on appendix A, p. 191. 212

Purchasers of tear and sickening gas and equipment, exclusive of law-enforcement agencies, \$300-\$1,000, January 1933 through June 1987—Continued

Purchaser	Location	Vendor	Date	Amount	Total
Oash (unknown purchaser)4	Ohicago, Ill.	FL	Mar. 8, 1937	\$475.90	<b>\$579.</b> 6
Do	Pittsburgh, Pa	FL	Oct. 3, 1936	104.40	444
entral Illinois Light Co	Peoria, Ill	LE	May 29, 1935		440.1
Sentral Industrial Service Co Do		LE	Apr. 26, 1934	363.70	718.7
Do		LE	Sept. 18, 1934	360.00	
hase Brass & Copper Co	Cleveland, Ohio	LE			200, 0
Do	do	LE	Apr. 30, 1934	83. 50	
Do	Euclid Village, Ohio.	FL	Apr. 25, 1934	194. 00 31, 50	
higvola Manufacturing Co		ĹĒ	Sept. 7, 1934	02.00	349.0
Clark Thread Co. of Georgia	Clarkdale, Ga				306.7
Do		FL	Sept. 13, 1934	306. 81	
Do	Cleveland, Obio	FL	Sept. 27, 1934	59. 93	467.4
Do	l do	LE		416.38	
Do	do	LE		71.07	
Do Collins & Aikman Corporation	Philadelphia, Pa		-2		513, 1
1)0	1 . 10	LE	Sept. 21, 1934	379. 61	
1)0	Reletal P I	FL	Sept. 25, 1934 Sept. 12, 1934	79. 50 54. 00	
Do	McKeesport, Pa	F 13	Dopt. 12, 1931	02.00	306.8
D0	J QO	FL	Apr. 13, 1934	10.80	7
Do	do	FL	Feb. 7. 1936	30.00	
Do	do	FL	Feb. 8, 1936	118.00	\$
Do.	. do	FL	Mar. 10, 1936	50.00	133
Do.	do	FL	Feb. 10, 1936 Feb. 12, 1936	100, 00 60, 00	4.5
Do Continental Distilling Corpora-	Philadelphia, Pa	F 1	FEU. 12, 1830	00.00	720.0
tion					
Do	do	FL		467. 50	
Do	l do .	FL	Aug. 30, 1935	178, 50	
Do Cudahey Packing Co	do	FL	Apř. 21, 1936	54.00	481.7
Do	Newport, Minn	FL	May 23, 1934	82. 50	407.
Do	St. Paul. Minn	Tr.	Nov. 2, 1933	104, 80	
Do	do	FL	Nov. 23, 1933	244, 40	
Do Debardeleben Coal Corporation	Birmingham, Ala	i			336.7
Do	do	FL	Mar. 8, 1934	70. 20	
Do	do	FL	Apr. 13, 1934	120,00   148,50	1.
Do. Phillip Dezild <u>is</u> s Co	Toledo, Ohio	FL	Sept. 13, 1934 May 25, 1934	130.00	29L 5
Durea Products Co	Canton, Ohio	LE	Mar. 9, 1935		556. 2
Schota Cotton Mills	Calhoun, Ga				479.7
Do	.ldo	FL	Sept. 4, 1934	267. 23	
Do. Slizabeth City Hosiery Co	do	FL	Sept. 13, 1934	212. 50	200.4
Do	Elizabeth City, N.C.	FL	Apr. 2, 1936	212.70	900A 1
Do	do	FL	Apr. 10, 1936	167. 70	
Il Paso Electric Co	El Paso, Tex				303, 8
Do	. dó	FL	Mar. 12, 1936	167, 36	
Do	do	FL	Mar. 13, 1936	50,00	
Do	do	FL	Mar. 14, 1936	60.00	
DoEl Solyo Ranch	Vernalis, Calif	LE	Mar. 10, 1936 July 25, 1934	75. 50	847. 0
Empire Steel Co	Mansfield, Ohio	LE	June 20, 1934		696. 8
Turn of managed A					
Flint Manufacturers Associa-	Flint, Mich	LE	Oct. 4, 1933		400.7
			1	1	214.4
Ssex Rubber Co	Trenton, N. Jdo	FL	Nov. 23, 1933	302.40	
Do	do	FL	Nov. 27, 1933	12.00	
ureka Stevedoring Co	Eureka, Calif	1	2101. 21, 2000		692. 8
Do	. Q0	FL	July 12, 1935	27, 85	
Do	do	FL	June 5, 1935	664, 95	
xaminer Printing Co.  Coppers Coal & Transportation	San Francisco, Calif.	LE	Sept. 8, 1936		<b>457.</b> 7
Co Federal Division	Fairmont, W. Va				499.0
Co., Federal Division.	do	FL	Apr. 10, 1935	9.38	
Federal Coal & Coke Co.	dodo	FL.	Feb. 28, 1933	56,00	
1/0	. 1 <b></b>	FL	Aug. 5, 1933	433, 66	
os. B. Finch Co	1819 Broadway, New	FL	Nov. 6, 1933		461. 2
	York, N. Y.	1			004 4
Cletcher Mills, Inc			Aug. 10, 1934	316, 12	894. 2
	. 00	I F L/	I AUK. IU. IVSH	010.12	

<sup>See exhibits 3591-A and 3591-B, pt. 15-D, pp. 7009-7010.
Subsidiary of Hearst Consolidated Publications, Inc.
Subsidiary of Koppers Co. (controlled by Eastern Gas & Fuel Associates).</sup> 

Purchasers of tear and sickening gas and equipment, exclusive of law-enforcement agencies, \$300-\$1,000, January 1938 through June 1937—Continued

Purchaser	Location	Vendor	Date	Amount	Total
Florida Fruit Canners					\$327, 42
Do	do	FL	Dec. 26, 1933	\$322, 14	
Plour City Ornamental Iron C	do	FL	Jan. 6, 1933	5.28	240.04
Ford Motor Co	o Minneapolis, Minn Dearborn, Mich	F L	Sept. 9, 1935		759.06
Do	Somerville, Mass	FL	Oct. 8, 1935	146, 31	343. 59
Do	Dearborn, Mich	FL	do	146, 28	
Do	do	FL	July 25, 1936	51, 00	
H. P. Garin Co	El Centro, Calif		- W		332, 75
Do	i an	i 10°Y	Feb. 21, 1935 Feb. 20, 1935	7 42, 30   7 <b>290</b> , 45	
Georgia Kincaid Mills	Griffin, Ga	F 11	F6D. 20, 1850	200.40	597. 44
Do	do	FL	Sept. 7, 1934	30, 64	50,1.1.
D0	IQO	1 F L	Sept. 13, 1934	530, 30	
· Do	do		Oct. 12, 1934	36, 50	
Hanover Shoe Manufacturi Corporation.	ng Hanover, Pa				371. 70
Do	do	FL	July 26, 1934	252, 90	
Do	and do	FL	Sept. 10, 1934	118, 80	
Hart Coal Corporation	Madisonville, Kv				316, 50
Do	- <u>d</u> p	LE	July 17, 1934	63. 50	
· Do	Morton's Gap, Ky	FL	Oct. 5, 1933	253. 00	era sa
Do Do	Wildeling, W. Va	M	Dec. 13, 1935	112.00	653. 38
100	! do	I M	Nov. 15, 1935	270. 64	
Kearns-Gorsuch Bottle Co	Zanesville, Ohio	M	l Oct. 17, 1935	270, 64	
Kearns-Gorsuch Bottle Co Hercules Motor Corporation Hudson Coal Co	Canton, Ohio	LE	May 17, 1934		342, 00
Hudson Coal Co	Scranton, Pa	FL	0 -4 01 1000		699, 62
Do	do	FL	Oct. 31, 1933 Oct. 10, 1933	240, 61 277, 85	
Do	do	FL	Oct. 31, 1933	181. 16	
Hudson Motor Car Co	Detroit, Mich				885, 21
Do	do	FL	Feb. 7, 1933	499. 21	,
D0	do	FL	Dec. 30, 1933	110.00	
Do	do	FL	Mar. 26, 1934 Dec. 6, 1935	120, 00 138, 00	
Do	do	FL	Dec. 26, 1935	18.00	
Do	Huntsville, Ala				681 39
Do	do	FL	Sept. 13, 1933	129.94	
			July 19, 1934 Aug. 30, 1933	190. 95	
Do Inland Steel Co eddo-Highland Coal Co	Indiana Harbor Ind	FL	June 15, 1934	10 360, 50	494.00
eddo-Highland Coal Co	Jeddo. Pa	DELL	June 10, 1001		528, 00
Do.	do	FL	Dec. 20, 1933	348, 00	020,00
Do	. <u></u> do	F 14	Apr. 11, 1936	180, 00	
Johns-Manville Corporation	Watikegan, Ili	FL	Aug. 6, 1934	343. 20	057 48
Do Drouge Co	Newcastie, Pa	FT.	Apr. 30, 1934	230, 27	857. <b>42</b>
Do	do	FL	June 5, 1934	627, 15	
atrobe Electric Steel Co	Latrobe, Pa				461, 80
Do	do	FL	Oct. 11, 1933	119.80	
Do. Liberty Powder Co. Mersman Bros. Corporation	do	FL	Apr. 30, 1934	342.00	EE0 17
Maraman Bros Corporation	Celine Obio	FL	June 12, 1934		556. 57 568. 45
			July 27, 1935	815, 65	000. 30
Do Minneapolis, St. Paul, & Soo R.	do	FL	do	52.80	
Minneapolis, St. Paul, & Soo R.	R. Minneapolis, Minn.				760. 38
Do	do	1712	Oce. 17, 1800	121. 23	
Do Mock Judson Voehringer Co., I	Organshara N. C	I.E	Oct. 10, 1935	639, 15	312, 69
Do	do do	LE	July 23, 1934	104.85	312.00
Do	do	LE	July 27, 1934	147, 84	
Do	do	ĹE	July 18, 1934	60.00	
Mount Hope Finishing Co	North Dighton,				597. 5 <del>9</del>
. Da	Mass.	LE	Comt 10 1094	450 00	,
Do		LE	Sept. 12, 1934 Sept. 14, 1934	452. 29 145, 30	
National Cooperage & Woode	n- Peoria, Ill			140,00	436, 88
ware Co.					
Do	do	LE	Apr. 15, 1935	218. 88	
Do	do	LE		150. 50	
Do	I0D	LE	l Oct. 10, 1935 i	67, 50	

Shipped to the El Centro Police Department. (See exhibit 3571, pt. 15-D, p. 6952.)
 Subsidiary of Hazel-Atlas Glass Co.
 Shipped to the chief of police. (See exhibit 3571, pt. 15-D, p. 6951.)
 Shipped to the sheriff. (See exhibit 3571, pt. 15-D, p. 6951.)

# Purchasers of tear and sickening gas and equipment, exclusive of law-enforcement agencies, \$300-\$1,000, January 1933 through June 1937—Continued

Purch aser	Location	Vendor	Date	Amount	Total
National Distillers Products Cor-	Cincinnati, Ohio				\$118.30
poration.		1		1	
Do	Franklant F	FL	Apr. 8, 1936	\$85, 50	
Do W. & A. Gilbey, Ltd.11	Frankfort, Ky Cincinnati, Ohio	FL	May 23, 1936 May 21, 1935	85, 50 63, 00	
Carthage Distilling Corpora-	dodo	FL	Oct. 16, 1933	181, 20	100
tion.11		,	1	101.20	
National Electric Products Co New York Shipbuilding Corpora- tion. <sup>12</sup>	Ambridge, Pa Camden, N. J	FL	Oct. 9, 1933		490, 80 484, 18
Do	do	FL	Mar. 14, 1983	109.00	
Do	do	FL	Dec. 30, 1933	166, 25	And the second
Do	l do	T.17.	July 31, 1935	12.95	
Do	do	LE	do	33. 95	
Do. News Syndicate Co. Do. The News 12. Noonan Dotective Agency. Do.	]do	LE	do	162.00	
News Syndicate Co	New York, N. Y				351.90
Do	do	FL	Feb. 21 1935	315.90	
The News II		FL	July 7, 1936	36.00	
Noonan Detective Agency	Cieveland, Unio		Y 8 1094	400 78	837.75
Do	40	LE	May 17, 1933	403.75 24.00	
Do	do	LE	Sept. 14, 1933	410.00	
Penn Anthracite Collieries Co.	Scranton, Pa	DE3	56pe. 14, 1800	3,0.00	633, 27
Do	do	LE	Oct. 13, 1933	152.11	337
			Oct. 18, 1933	60.00	
Do Penn Anthracite Mining Co. Pennsylvania Co.	do	LE	Nov. 10, 1933	181, 16	
Penn Anthracite Mining Co.14	do	LE	Sept. 4, 1934	240.00	
Pennsylvania Co	Philadelphia, Pa	LE			330, 40
Do	do	LE	Mar. 1, 1933	810.00	
DoPepperell Manufacturing Co	do	F 1	June 26, 1935	20.40	-40.00
repperen Manufacturing Co	Openka, Ala	FL	Comb 17 1004	264.00	349, 50
Do	do	ĹĔ	Sept. 17, 1934	85. 50	· · · · · · · · · · · · · · · · · · ·
Do Maj. C. A. Phelan	New York, N. Y.	FL	Nov. 10, 1934	00.00	402, 00
Phelps Dodge Mercantile Co.14	Bisbee, Aris	LE	Aug. 30, 1934		414.00
Philadelphia Electric Co	Philadelphia, Pa	FL	Mar. 29, 1935		406.00
Philadelphia Electric Co.  Pocahontas Oil Co.  Potomac Electric Power Co.  Powell Knitting Co.	Uleveland, Unio	LE	May 23, 1934 Mar. 30, 1933		620, 00 471, 60
Powell Knitting Co	Roartenshure & C	F D	MINT. 00, 1900		516.00
Do	do	LE.	Sept. 14, 1934	192.00	010.00
Do	do	LE	Sept. 22, 1934	<b>324.00</b>	
Proximity Manufacturing Co Railway Audit & Inspection Co Do	Greensboro, N. C	FL	Sept. 25, 1934		456, 00
Railway Audit & Inspection Co	Pittsburgh, Pa				532, 65
<u>D</u> o	do	FL	Jan. 31, 1934	112, 50	
Do		FL	Feb. 6, 1934	5, 40	
Do		FL	Feb. 14, 1934	10.80	
Do	do	FL	Feb. 17, 1934 Mar. 27, 1934	39. 90 234. 00	
D-	J	FL	Apr. 25, 1935	26.35	
Do	do	FL	Sept. 10, 1935	97. 70	
Do	Norwood, Ohio	FL	Aug. 19, 1936		372, 50
H. H. Robertson Co	Ambridge, Pa	FL.	Oct. 10, 1934		390, 40
Robinson Sales Corporation	Everett, Wash	LE	Oct. 18, 1935		332, 77
Rockwood Hoslery Mills	Rockwood, Tenn	FL	Apr. 14, 1936		442,00
San Francisco Printing Co	Ban Francisco, Calif.		T1: 1 1000		870, 70
DU	uv	FL	Feb. 11, 1935	503.00	
Do	Oakmont, Pa	F 1		367. 70	381, 50
Do	dodo	FL	Oct. 10, 1933	159.40	991, 00
Do	do	FL.	Nov. 30, 1935	207. 10	
Do	do	FL	Dec. 6, 1935	15.00	
oseph E. Seagram & Sons	Lawrenceburg, Ind.	FL	Oct. 31, 1934		303, 40
oseph E. Seagram & Sons	Sharon, Pa	1			727, 65
Do	do	FL	Oct. 10, 1933	315, 60	
	do	FL	do	74. 25	
DoBibley Manufacturing Co.14	do	FL	June 13, 1934	337. 80	
inled Menuforturing ( o 18	Allgrights (la	LE	Aug. 30, 1934	1	446, 00

<sup>11</sup> Subsidiary of the National Distillers Products Corporation.
12 Controlled by Cord Corporation.
13 Published by and a subsidiary of the News Syndicate Co.
14 Owned by the Penn Anthracite Collieries Co.
15 Subsidiary of Phelps Dodge Corporation.
16 Subsidiary of Hickok Oil Corporation, of Toledo, Ohio.
17 Name changed to Sharon Steel Corporation in March 1936.
18 Controlled by Graniteville Manufacturing Co., of Graniteville, 8. C.

#### 216 VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

Purchasers of tear and sickening gas and equipment, exclusive of law-enforcement agencies, \$300-\$1,000, January 1933 through June 1937—Continued

Purchaser	Location	Vendor	\ Date	Amount	Total
outhern Natural Gas Corpora	Birmingham, Ala				\$318.
tion.					
Do		FL	Apr. 24, 1934	\$99.00	
Do		FL	do	159.30	
Do	do	FL	Oct. 31, 1935	60. 28	***
peigel, Inc	Cnicago, III	FL	37 10 100-		360.
Do	d0	FL.	Mar. 10, 1937	132. 35 228, 00	
Do pringfield Metallic Casket Co Do	Springfield Ohio			220,00	942,
Do	do do	FL	Oct 26 1035	805, 20	97£,
Do	l do	1 16 1	Oct. 26, 1935 Oct. 28, 1935	136.80	
tandard Steel Spring Co	Pittsburgh, Pa	FL	Oct. 27, 1936	1 200.00	400.
, 8. Stapley Co	Phoenix, Ariz		000. 21,1000		804.
Do		FL	Oct. 10, 1934	590, 40	
Da	l do	FL	Feb. 28, 1935	214.00	
tevens Coal Co	Wilkes-Barre, Pa	FL	Mar. 4, 1935		547.
tevens Coal Co naquebanna Collieries Co. <sup>19</sup>	Shamokin, Pa				456.
Do	l do	LE	June 20, 1936	145. 31	
Do	Nanticoke, Pa		Mar. 15, 1933	144, 12	
Do	l do	IFL I	Oct. 25, 1933	129.00	
Dowift & Co	South St. Paul,	FL	May 14, 1936	37.80	
wift & Co	South St. Paul,				307.
	Mion.	1			
<u>D</u> o	do	FL	Nov. 17, 1933	262. 40	
<u>P</u> o	do	FL	Nov. 20, 1933	18, 00	
Do	Pittsburgh, Pa	FL	Sept. 13, 1934	27.00	
abardrey Manufacturing Co Imken Roller Bearing Co	do	LE	Sept. 19, 1934		505.
	Canton, Unio	LE	37		844.
Do	do	FE	Nov. 13, 1933	123.00	
Do	do	FI	June 1, 1934	721. 50	***
rion Companyrusx-Tracr Coal Co	Trion, Ga	FL	Sept. 6, 1934		618.
rusx-17867 Cost Co	Pittsburgh, Pa	FL	May 6, 1933		<b>30</b> 0. 45.
nion Collieries Co	- Littsnatkii, La.	F 10	Aug. 7, 1933		534.
Do		FL	Oct. 2, 1934	455, 40	004.
Do	do	FL	May 14 1025	60.00	
Do		FL.	May 14, 1935 Jan. 26, 1937	118.80	
nited Electric Coal Co	Danville, Ill		7 321, 20, 100,	110.00	402.
Do.	I 46	LE	Apr. 10, 1933	150.00	
Do.:	do	LE	Aug. 15, 1934	252, 00	
erthan Bag Corporation	Nashville, Tenn	LE	Nov. 5, 1934		872.
erthan Bag Corporation heeling Steel Corporation	Wheeling, W. Va				303.
Do	Portsmouth, Ohio	LE	Aug. 12, 1935	153.00	
Do	WHESHING, W. VB	LE	Oct. 6, 1933	12. 37	
<u>D</u> o		LE	Oct. 24, 1934	18.38	
Do_ Ulard Storage Battery Co.n	Harmarville, Pa	LE	May 24, 1933	120.00	
ulard Storage Battery Co.n	Cleveland, Ohio	- <u></u>			364.
Do		LE	May 20, 1935	332, 25	
<u>Do</u>	do	FL	Mar. 5, 1935	22. 50	•
Doilliams Coal Co	Crofton, Ky	FL	do	9. 30	444
	- Croiton, Ky		04 04 1000	126 00	464.
Do	do	FL	Oct. 24, 1933 •Oct. 25, 1933	136, 00 139, 00	
Do		FL	Nov. 2, 1935	88,00	
Do		FL	Nov. 5, 1935	101.00	
K Wrigher	Chicago, III	LE	Feb. 6, 1934	101.00	313.
K, Wrigley Mow Cab Co	Cleveland, Ohio	1/E	T. AD. O' 1894		517.
Do	dodo	LF	May 31, 1934	463.00	U11.
Do		LE	May 29, 1934	54.00	
				31.00	
Grand total	1	1			57, <b>532</b> .

Subsidiary of The M. A. Hanna Co.
 Controlled by U. S. Distributing Co. (in turn controlled by Pittston Co.)
 Subsidiary of Electric Storage Battery Co.

### APPENDIX C

### (Ехнівіт 4641)

Inventory of munitions in possession of Republic Steel Corporation police department, as of May 25, 1938, showing types at each plant, number of employees per plant, and totals

Plants by areas and/or location	Pis- tols	Rifles	Shot- guns		Rifle am- muni- tion		Gas gre- nades	Gas pro- jec- tile	Shot- gnn shells	Gas ban- do- liers	Sam Brownes	Bil- lies	Hand- cuffs	Night sticks		Para- chute flares	Gas pistol ammu- nition	billie	Normal number of em- ployees
Youngstown district	39 64 83 21 49 28 39 70	50	33 16 16 57 6 8 12 26	6 15 18 37 9 8 6 4 4	50   750	16 4 4 3 2 3 6	170 330 516 582 204 221 17 152 57 143 38	90		3 	51 35 41 45 12 27 13 39 14 10	29 15 10 45 12 8 9 30 12	8 1 9	25 82 40 21 36 28	2	2 6		22 30 13 6 17	8, 600 7, 700 5, 700 11, 400 1, 700 2, 800 1, 500 3, 000 2, 000 1, 700 506
Union drawn steel division:  Beaver Falls.  Gary, Ind.  Northern Coal: Mines.  Gadsden Works.  Headquarters	50 11	4 3 	2 41 29	2 7 13 4 3	475 1. 325	6 2 1	24 64 182 7 2, 707	24 201 213 144 55	333		287						19		400 225 2,750 2,800 

Source: Information taken from inventory submitted by James L. Williams, superintendent of police of the Republic Steel Corporation.

### APPENDIX D

### (Exhibit 4649)

Recapitulation by types of purchases of arms, munitions, tear-gas projectiles, etc., by Republic Steel Corporation during the period Jan. 1, 1933, to Jan. 22, 1938

	1933	1934	1935	1936	1937
Tear-gas projectiles	30	211	324		987
Tear-gas shells		171	190		24
Tear-gas grenades		i	266		193
Sickening-gas projectiles			200		1, 870
Bickening-gas shells	1				377
Sickening-gas grenades.	72	285	225		1, 910
Equipment cases					2,010
Tear-sickening projectiles.	•		230		
Tear-sickening shells		24	200		
Riot guns		26	20		93
Riot-gun cases		25	20		- ~
Gas billies		49	14		18
Gas-billie cartridges		175	76		269
Gas masks		14	70		15
		166	2		10
Revolvers			0	{[	, <b>v</b>
Cartridges		52, 450		48	
Belts and holsters.		47		10	
Hand billies		127	60		12
Handcuffs		1 12			
Magazines					
Parachute flares		14			
Protecto guns.		24			
Protecto cartridges	12				
Chemist's services			14		

i Pair, i Days,

#### Appendix E

#### (Exhibit 4590)

FEBRUARY 27, 1938...

#### THE YOUNGSTOWN SHEET & TUBE COMPANY YOUNGSTOWN DISTRICT

### Inventory of munitions as of Feb. 27, 1938

```
15787 38 Cal. Police Positive Revolver shells.
3600 38 Cal. Police Special Revolver shells.
```

100 45 Cal. Revolver shells.65 32-20 Cal. shells.

2500 22 Cal. long—Rifle shells. 31 44 Cal. Winchester Rifle shells.

110 35 Cal. Remington Rimless Rifle shells.

100 35 Cal. Auto Rifle shells.

660 30-30 Cal. Rifle shells.
72 25-27-117 U. M. C. Rifle shells.
8617 45-70 Cal. Springfield Rifle shells.

2428 30 Cal. Rifle shells.

2000 30 Cal. Remington Rifle shells.

100 32 Cal. shells.

3950 12 Ga. Shot Gun shells.

19800 30 Cal. Lewis Machine Gun shells.

20460 7 M. M. Colt Machine Gun shells.

232 Hand Grenades, 100% tear. 428 Hand Grenades, 50-50.

15 Hand Grenades, 85 DM-15 Tear. 9 Hand Grenades, 15 DM-85 Tear.

5 Hand Grenades, 100 DM.

789 12 Gas Shells for Billies.

400 Gas Shells for Gas Machine Guns—DM. 957 Gas Shells for Gas Machine Guns—Tear. 24 Illuminating Shells.

24 Star Shells.

211 long Gas Shells.

90 Short Gas Shells.

24 Gas Machine Guns.

71 Gas Billies.

14 Gas Guns-Single Shot.

24 Gas Masks.

#### REVOLVERS

121 38 Cal. 4" Police Positive. 164 38 Cal. 6" Police Positive.

52 38 Cal. 6" Police Special.

36 38 Cal. 5" Police Positive.

12 38 Cal. 5" Army Special.
5 38 Cal. Smith & Wesson, 4".
8 38 Cal. Smith & Wesson, 5".
55 38 Cal.—Break Types.

#### RIFLES

13 30 Cal. Winchester, Model 1894.

2 32 Cal. Winchester, Special Model 1894.3 32 Cal. Winchester, Model 1884.

1 25-35 Cal. Winchester, Model 1894. 5 22 Long Winchester. 6 30 Cal. Remington, Model "A," Auto. 5 30-30 Cal. Savage, Model 1899. 7 30 Cal. Winchester Carbines.

3 30-30 Marlin Special.

269 45-70 Springfield Model 1872.

#### SHOT GUNS

142 Winchester Repeating, 12 Ga., 20 in. barrel.
32 Marlin Repeating, 12 Ga., 20 in. barrel.
13 Remington Repeating, 12 Ga., 20 in. barrel.
3 Stevens Repeating, 12 Ga., 20 in. barrel.

#### MACHINE GUNS

4 Colt Machine Guns.

4 Lewis Machine Guns.

2 Gun Carriages for Colts.

5 Tripods for Colts.

I am an employee of The Youngstown Sheet and Tube Company, in charge of or having supervision over the storage of munitions now or previously owned by the Company, and I have made or caused to be made the attached inventory, and I certify that the same is correct.

JAMES M. WOLTZ, Supervisor of Police.

### APPENDIX F

### (EXHIBIT 4596)

FEBRUARY 27, 1933.

#### THE YOUNGSTOWN SHEET & TUBE COMPANY YOUNGSTOWN DISTRICT

Material purchased from Jan. 1, 1933 to Feb. 1, 1938

#### AMMUNITION

16000 38 Cal. Police Positive Shells (413 used target practice).
3200 38 Cal. Police Positive Special.
100 32-20 Shells (35 Used target practice). 100 32-20 Sieils (30 C 400 30-30 Rifle. 700 30 Cal. Rifle. 100 32 Cal. Rifle. 100 35 Cal. Rifle. 100 22 Long Rifle. 100 45 Cal. Revolver. 2000 30 Cal. Lewis Machine Gun. 2000 7 MM—Colt Machine Gun. 1825 12 Ga. Shot Gun.

GAS

25 Gas Machine Guns. 1465 Shells—Gas Machine Guns. 360 Shells for Single Shot Gas Guns.

16 Single Shot Gas Guns.785 Hand Grenades.25 Gas Masks.

18 Single Shot—small gas guns.
71 Gas Maces.
24 Star Shells.

24 Illuminating Shells.

1050 Night Sticks.790 12 Ga. Gas shells for Billies.

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#### APPENDIXES G-I

The following three illustrations depict successive phases of the use of industrial munitions. These photographs were taken during the May 1935 strike at the Berger Manufacturing Co., a Republic Steel Corporation subsidiary, in Canton, Ohio.

Appendix G is a photograph of weapons, taken in the office of the sheriff of Stark County, Ohio. These weapons had been seized by the sheriff's deputies from an automobile in which four Republic Steel Corporation policemen were arrested near Canton, Ohio, on May 29, 1935.

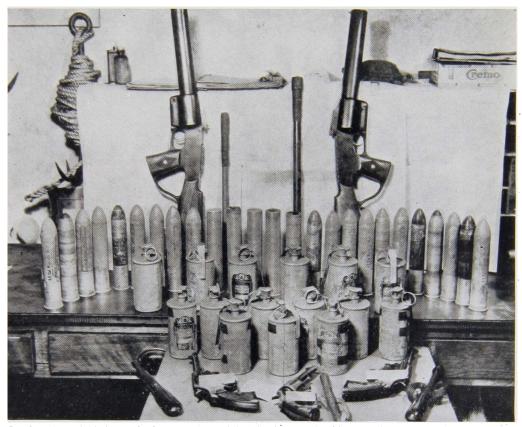
Appendix H is a photograph taken on May 29, 1935, of an automobile driven by Republic Steel Corporation policemen, snapped at the moment a gas projectile

is being shot from a rear window.

Appendix I is a photograph of Charles Minor immediately after being struck in the face by a gas projectile shot by Republic Steel Corporation police from a moving automobile on May 29, 1935.

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#### APPENDIX G



Reading from front to back these weapons are: 3 revolvers and 2 blackjacks; 15 tear- and sickening-gas grenades; 15 sharp-nosed, long-range projectiles and 5 blunt-nosed, short-range shells containing tear or sickening gas; 2 long-range gas riot guns and 2 improvised iron clubs with taped handles. All of the gas munitions are Federal Laboratories, Inc., products.

116495-39-pt. 3 (Face p. 222) No. 1

# APPENDIX H



APPENDIX I



116495-39-pt, 3 (Face p. 222) No. 2

A. C. Spark Plug Division (General Motors Corporation)	
Abercrombie Fitch Co	
Aberfoyle Manufacturing Co	
Adams, Charles E	67, 122, 13 <b>3</b> -
Aiken Mills	
Ailes, A. S 15, 16,	21, 27-30, 34, 75
89-92, 96, 98, 103, 119-120, 137, 14	41, 142, 157, 163-
Akron Law and Order League	
Akron. Ohio, gas purchases in and around	. 198, 200,
Alabama Fuel & Iron Co	
Ilabama MillsInc	56, 65,
Mabama Mills, Inc	
Alabama statutes affecting gas munitions.	172
Alaska Packers Association	<b>,</b>
Alaska Steamship Co	
Mexander, F. G	
Alleroft, A. E.	
Allegheny. Pa.: value of gas nurchased by	
Allegheny Steel Co	82 RA
Allegheny Steel Co. Aluminum Corporation of America. Amalgamated Association of Iron, Steel & Tin Workers	Ua, Ua,
Amalgamated Association of Iron Stool & Tin Workers	62 63 74
Ambridge, Pa.; gas purchases in and around	105 210 211
American Bridge Co	100, 210, 211,
American Bridge Co	
American Federation of Labor	90 107
American Glanztoff Corporation	
American Glycerin Co	149 174
American-Hawaiian Steamship Co	143, 174,
American Iron & Steel Institute	
American Legion	138,
American Metal Co	
American Munitions Co	16, 46, 64,
American Optical Co	
American Radiator & Sanitary Corporation	
American Rolling Mill Co	62,
American Sheet & Tin Plate Co	
American Stores Co	
Ames Baldwin Wyoming Co	
Amtorg Trading Co.	162.
Anaconda Copper Mining Co.	56, 67,
Andrews Steel Co	56
Anthracite InstituteAntiunionism, relation to munitions purchases	27, 46,
Antiunionism, relation to munitions purchases	47-48, 50-52, 59-
treetsinger. J. U	
Arizona statutes, absence of affecting machine guns.	
Arkansas, statutes affecting machine guns	179.
rnett. L. T	
Arnett, L. T. Ashland, Ky., gas purchases in and around	
Ashtabula Bow Socket Co.	
Ashtabula, Ohio, gas purchases in and around	
Associated Industries of Cleveland, the	
Associated Oil Co	
Atlantic & Pacific Tea Co	
Atlantic Refining Co	
Atterbury, W. W.	
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Augusta, Ga., gas purchases in and around	215
Austin, Minn., gas purchases in and around	201
Auto Ordnance Corporation 16, 56, 101, 181  Automobile and auto parts industries, munitions purchases in	-182
Automobile and auto parts industries, munitions purchases in	
Avon, Calif., gas purchases in and around	212
Back-to-work movements, use of munitions in126	
Bairley, Sheriff Joseph V	149
Baker, Newton D	157
Baldwin-Felts Detective Agency 5-7, 19	
Bank of America	143
Barbe, E. E.	42
Barberton, Ohio, gas purchases in and around 204,	, 200
Barker, B. H	-3Z,
79, 69, 100, 101, 102, 100, 123, 107, 109, 102, 100, 100, 170, 170,	, 182 160
Barrows, Gen. David P	160 39
Daughman, Invines Figural 104 122	195
Baum, A. H. 104, 133- Baxter, Jack J. 15, 43, 76, 91, 98, 103,	100
Bayonna N . I gas nurchases in and spound	919
Reaver County, Pa 128	120
Bayonne, N. J., gas purchases in and around  Beaver County, Pa  138, Beaver Falls, Pa., gas purchases in and around	208
Belle, W. Va., gas purchases in and around	196
Bemis Bros. Bag Co	
Bendix Aviation Corporation	66
Bendix Products Corporation 17, 19, 25, 32, 70, 74, 81, 107–115,	193
Berger Manufacturing Co	123
Bergoff Detective Agency 99,	212
Bergoff Detective Agency 99, Bessemer, Pa., gas purchases in and around	208
Bethlehem Mines Corporation. Bethlehem Mining Co	194
Bethlehem Mining Co	68
Bethlehem, Pa	194
Bethlehem Shipbuilding Co. (See Bethlehem Steel Corporation.)	
Bethlehem Shipbuilding Co. (See Bethlehem Steel Corporation.) Bethlehem Steel Corporation	194
Beverley Hills, Calir., gas purchases in and around	196
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